in Rochester, N. Y., June 5, urging the appointment of Miss Grace Abbott to the Cabinet portfolio of labor; to the Committee on Labor.

7644. Also, resolution adopted at a meeting of the Women's Republican Club of New York City, petitioning all Members of Congress of Greater New York to support the Saturady half holiday bill for all Federal employees; to the Committee on the Civil Service.

7645. By Mr. CRAIL: Petition of 750 members of the Los Angeles Camp, No. 36, United Spanish War Veterans, Los Angeles, Calif., extending their heartfelt appreciation to the Senate and House of Representatives of the United States for the passage of the act of June 2, 1930, granting to the many disabled Spanish War comrades an increase of pension; to the Committee on Pensions.

7646. By Mr. YATES: Petition of Anthony Wayne Post, American Legion, Fairfield, Ill., urging the passage of the Johnson bill without amendment; to the Committee on World War Veterans' Legislation.

7647. Also, petition of the LaSalle Extension University, Michigan Avenue at Forty-fourth Street, Chicago, Ill., protesting the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7648. Also, petition of Straus & Schram, 1105–1113 Thirty-fifth Street, Chicago, Ill., urging the defeat of House bill 11096, stating in their opinion 5 cents is too great a charge for such service as the bill provides; to the Committee on the Post Office and Post Roads.

7649. Also petition of Margaret D. Dunn, 201 East Randolph Avenue, Alexandria, Va., urging the consideration and passage of the Saturday half-holiday bill; to the Committee on the Civil Service.

7650. By Mr. WATRES: Petition of Joseph E. Beck and the board of directors of the Family Welfare Association of Scranton, Pa., urging action on Senate bill 3060; to the Committee on the Judiciary.

SENATE

WEDNESDAY, *June 25, 1930*

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

O God, the Fountain of Wisdom and Father of Lights, it is in Thy light that we see light. Grant us, therefore, we beseech Thee, such illumination by Thy spirit of mind and heart that we may abound more and more in all wisdom and spiritual discernment. Make us to accept each duty as a divine command and each fine opportunity as a heavenly call, that thus walking in Thy light we may in all life's decisions and resolves prove ourselves true sons of light. We ask these things in the name of Jesus Christ, Thy Son, the true Light of the World. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. WATSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia;

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

S. 4517. An act to provide for the regulation of tolls over certain bridges; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the United States submarine *S–4.*

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida; and

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 215. An act to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928;

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*

S. 3068. An act to amend section 355 of the Revised Statutes; and

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 22) to print and bind additional copies of Senate Document No. 166, Seventieth Congress, entitled "Interstate Commerce Act, Annotated," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 101. An act for the award of the air-mail flyer's medal of honor;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 5708. An act for estimates necessary for the proper maintenance of the flood-control works at Lowell Creek, Seward, Alaska;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9590. An act to provide for the appointment of one additional district judge for the eastern and western districts of Arkansas;

H. R. 9893. An act for the relief of Herman Lincoln Chatkoff;

H. R. 10782. An act to facilitate and simplify the work of the Forest Service;

H. R. 12014. An act to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses;

H. R. 12063. An act to amend section 16 of the Federal farm loan act;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12397. An act to amend sections 156, 157, 158, 159, 160, 161, and 170 of the Criminal Code, as amended;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island;

H. R. 12617. An act granting the consent of Congress to the State of Florida, through its highway department, to construct, maintain, and operate a free highway bridge across the Choctawhatchee River east of Freeport, Fla.;

H. J. Res. 323. Joint resolution to authorize the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Diseases of Cattle; and

H. J. Res. 324. Joint resolution to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 968. An act for the relief of Anna Faceina;

S. 1252. An act for the relief of Christina Arbuckle;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 2370. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia;

S. 2972. An act for the relief of Dewitt & Shobe;

S. 3038. An act for the relief of National Surety Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon*;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4517. An act to provide for the regulation of tolls over certain bridges;

H. R. 478. An act for the relief of Marijune Cron;

H. R. 524. An act for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;

H. R. 910. An act for the relief of William H. Johns;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1964. An act for the relief of S. A. Jones;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 2849. An act for the relief of the Lowell Oakland Co.;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3422. An act for the relief of Gustav J. Braun;

H. R. 6117. An act for the relief of the Central of Georgia Railway Co.;

H. R. 6665. An act for the relief of B. C. Glover;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 7926. An act to provide for terms of United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.;

H. R. 9227. An act to establish additional salary grades for mechanics' helpers in the motor-vehicle service;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 11051. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the government of the District of Columbia;

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the United States submarine *S–4;* and

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930.

CALL OF THE ROLL

Mr. WATSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McMaster	Smoot
Ashurst	Glass	McNary	Steck
Barkley	Glenn	Metcalf	Steiwer
Bingham	Goldsborough	Moses	Stephens
Black	Hale	Norris	Sullivan
Blaine	Harris	Oddie	Swanson
Borah	Harrison	Overman	Thomas, Idaho
Brock	Hastings	Patterson	Thomas, Okla.
Broussard	Hatfield	Phipps	Townsend
Capper	Hayden	Pine	Trammell
Caraway	Hebert	Pittman	Tydings
Connally	Howell	Ransdell	Vandenberg
Copeland	Johnson	Reed	Wagner
Couzens	Jones	Robinson, Ind.	Walcott
Cutting	Kean	Robsion, Ky.	Walsh, Mass.
Dale	Kendrick	Sheppard	Walsh, Mont.
Deneen	La Follette	Shipstead	Watson
Dill	McCulloch	Shortridge	
George	McKellar	Simmons	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

SENATOR SMOOT'S VACATION AND HIS FIRST PAIR

Mr. SMOOT. Mr. President, I have made arrangements to leave Washington this afternoon for home. In doing so, I desire to leave my vote with the Senator from Indiana [Mr. WATSON], and authorize him to pair me upon legislation as he knows I would vote.

I have never had a pair since I have been a Member of the Senate. This is the very first time. I do it now because I feel that I ought to have a change. I hope the Senate will at least not charge me with neglect of duty if I leave at this particular time.

I have been absent from the Chamber, Mr. President, for 9 days during my service of nearly 28 years. I feel a little exhausted now—more so than when I stood upon the floor of the Senate for 10 hours a day week in and week out. Not having had a pair before, and all Senators knowing that to be a fact, I felt that I ought to make the statement that I shall authorize the Senator from Indiana to pair me upon any question that may arise in my absence.

Mr. HARRISON. Mr. President, as one Member of the Senate, I desire to say that I am sure the Senator is entitled to a rest. I hope he will get a good rest and have a good summer. I do not know a Senator here who is entitled to it more than he is, after he has labored through the many months that he has.

So far as giving the Senator a pair is concerned, he need not worry. If the Senator and I are on opposite sides of any question, I will protect him with my pair.

Mr. SMOOT. I thank the Senator.

Mr. COPELAND. Mr. President, I wish to join in the conviction that the Senator from Utah is entitled to a vacation. To my mind, his attendance upon the sessions of the Senate during the long period of time since the beginning of the tariff discussion as well as before, his attendance upon the sessions of the committee, the many conferences he was required to have, and the patient manner in which he has answered the questions of individual Senators, constitute the most remarkable demonstration of physical prowess that I have ever seen.

More than that, all through the debates the Senator has maintained a placidity of manner and retort which to me has been amazing. I said once before, in speaking about the Sena-

tor, that it is only because he is a pious man that he has been able to go through what he has. I hope the Senator now will take a real rest; and he will at least have the advantage of missing the reading of hundreds of newspapers that will condemn the tariff bill and possibly condemn the Senator. By the time he comes back, however, we shall be in some other row, and this particular one will have been forgotten.

I hope the Senator will take a genuine rest and come back to us refreshed—he does not need to be restored—in mind and body. I trust he will have a happy time.

INTERNATIONAL EXPOSITION OF COLONIAL AND OVERSEAS COUNTRIES (S. DOC. NO 199)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1931, to remain available until expended, amounting to $250,000, for the expenses of participation by the United States in an International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL HYGIENE EXHIBITION AT DRESDEN, GERMANY (S. DOC. NO. 198)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1930, to remain available until June 30, 1931, amounting to $5,000, for the expenses of participation by the United States in the International Hygiene Exhibition at Dresden, Germany, May 6, 1930, to October 1, 1930, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COLUMBIA RIVER BRIDGE, WASH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4577) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg., which was to strike out the preamble.

Mr. JONES. I move that the Senate concur in the House amendment.

The motion was agreed to.

GAME SANCTUARIES, OCALA NATIONAL FOREST, FLA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1959) to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida, which was, on page 2, line 15, to strike out all after the word "both" down to and including the word "refuges" in line 21.

Mr. TRAMMELL. My colleague [Mr. FLETCHER], who is necessarily absent, is the author of the bill, and at his request I move that the Senate concur in the House amendment.

The motion was agreed to.

PETITIONS

The VICE PRESIDENT laid before the Senate a communication with related papers from Caesar F. Simmons in support of legislation for his relief "to reimburse him for necessary expenditures of his own private money expended by him under anomalous and extraordinary conditions to maintain and operate the post office at Boley, Okla., while discharging his official duties as postmaster," which was referred to the Committee on Claims.

He also laid before the Senate a telegram in the nature of a petition from the national convention of Disabled Veterans of the World War at New Orleans, La., praying for the passage of the so-called veterans' relief bill as reported by the Senate Finance Committee, which was referred to the Committee on Finance.

Mr. JONES presented petitions numerously signed by sundry citizens of the State of Washington, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia or in any of the Territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (H. R. 9638) to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States, reported it without amendment and submitted a report (No. 1090) thereon.

Mr. GLENN, from the Committee on Claims, to which was referred the bill (H. R. 3553) for the relief of the heirs of I. L. Kleinman, reported it without amendment and submitted a report (No. 1091) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 636) for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River, reported it without amendment and submitted a report (No. 1093) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 10490) for the relief of Flossie R. Blair, reported it without amendment and submitted a report (No. 1094) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 8242) for the relief of George W. McPherson, reported it with an amendment and submitted a report (No. 1095), thereon.

He also, from the same committee, to which was referred the bill (H. R. 4176) to extend the benefits of the employees' compensation act of September 7, 1916, to Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture, reported it with amendments and submitted a report (No. 1096) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1110) for the relief of heirs of Warren C. Vesta, reported it without amendment and submitted a report (No. 1097) thereon.

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted a report thereon, as indicated:

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y. (Rept. No. 1098); and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

Mr. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 6127) to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands, reported it with an amendment and submitted a report (No. 1099) thereon.

WILLIAM H. ELLISON

Mr. SHORTRIDGE. On behalf of the Committee on Finance, I report as in executive session, the nomination of William H. Ellison, of San Diego, Calif., to be collector of customs for customs collection district No. 25, with headquarters at San Diego, Calif. I ask for the immediate consideration of the nomination.

Mr. DILL. Mr. President, I have invariably objected to nominations being taken up for consideration in the midst of a legislative session. Therefore I object.

The VICE PRESIDENT. The nomination will be placed on the Executive Calendar.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PINE:

A bill (S. 4753) to validate patents granted on applications of joint applicants when one or more of said applicants have been misjoined through inadvertence, accident, or mistake; to the Committee on Patents.

By Mr. GLENN:

A bill (S. 4754) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River on One hundred and fifty-ninth Street in Cook County, State of Illinois; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 4755) to require the use of certain water condensation apparatus on seagoing vessels; to the Committee on Commerce.

A bill (S. 4756) to amend the act of March 4, 1911 (ch. 239, 36 Stat. L. 1267), as amended; to the Committee on Naval Affairs.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 200) creating a commission on fiscal relations between the Federal Government and the government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. STEPHENS:

A joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United

States during the fiscal years ending June 30, 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on Claims.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 101. An act for the award of the air-mail flyer's medal of honor; to the Committee on Post Offices and Post Roads.

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only; and

H. R. 9893. An act for the relief of Herman Lincoln Chatkoff; to the Committee on Military Affairs.

H. R. 5708. An act for estimates necessary for the proper maintenance of the flood-control works at Lowell Creek, Seward, Alaska;

H. R. 12233. An act authorizing the Robertson & Janin Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at Baudette, Minn.;

H. R. 12554. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

H. R. 12614. An act granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island, in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island; and

H. R. 12617. An act granting the consent of Congress to the State of Florida, through its highway department, to construct, maintain, and operate a free highway bridge across the Choctawhatchee River east of Freeport, Fla.; to the Committee on Commerce.

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia; to the Committee on the District of Columbia.

H. R. 9590. An act to provide for the appointment of one additional district judge for the eastern and western districts of Arkansas; and

H. R. 12397. An act to amend sections 156, 157, 158, 159, 160, 161, and 170 of the Criminal Code, as amended; to the Committee on the Judiciary.

H. R. 10782. An act to facilitate and simplify the work of the Forest Service; to the Committee on Agriculture and Forestry.

H. R. 12014. An act to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business on a mileage basis in lieu of actual operating expenses; to the Committee on Appropriations.

H. R. 12063. An act to amend section 16 of the Federal farm loan act; to the Committee on Banking and Currency.

H. J. Res. 323. Joint resolution to authorize the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Diseases of Cattle; and

H. J. Res. 324. Joint resolution to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse; to the Committee on Printing.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States was referred to the Committee on Printing.

COMMERCE AND TRADE WITH CHINA

Mr. PITTMAN submitted the following resolution (S. Res. 302), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Senate on May 29 (calendar day June 2), 1930, agreed to S. Res. 256, "authorizing an examination and study of stipulations relating to commerce in existing treaties of the United States and other governments with the Republic of China, and conditions that may affect our commerce and trade with China"; and

Whereas said resolution provides, "The expenses of the committee, which shall not exceed $20,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman": Therefore be it

Resolved, That said expenditures provided in said Senate Resolution 256 are hereby authorized and approved as provided in said resolution.

Mr. DENEEN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which the foregoing resolution was referred, reported it without amendment, and it was considered by unanimous consent and agreed to.

The preamble was agreed to.

TRAVEL EXPENSES OF CLERKS TO SENATORS AND THE VICE PRESIDENT

Mr. BINGHAM. Mr. President, a few days ago I submitted a resolution providing for the payment of the expenses of one secretary of each Senator to his home town and back again, and asked that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. It has been brought to my attention that I inadvertently left out the secretary of the Vice President. Therefore I offer the resolution in an amended form, and ask that it may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the resolution (S. Res. 304) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay from the contingent fund of the Senate to the secretary, or to one assistant secretary of the Vice President, or of any Senator, who in the course of his official duties is required to travel from Washington, D. C., to the legal residence of the Senator and return, a sum to cover the cost of such travel, which shall be calculated on a basis of 8 cents a mile by the most direct and customary route: *Provided*, That such travel shall not exceed one round trip for any regular, extra, or special session of Congress: *Provided further*, That such payment shall be made only upon certification by the Vice President or by the Senator by whom the secretary or assistant secretary is employed, that the travel was requisite and necessary in the discharge of his official duties.

FLOTATION OF FOREIGN INVESTMENT LOANS IN THE UNITED STATES

Mr. GLASS. I submit a resolution, which I desire to have read, printed, and lie on the table.

The resolution (S. Res. 305) was read, ordered to be printed, and to lie on the table, as follows:

Whereas the Senate by Resolution 293, passed June 16, 1930, requested the Secretary of State to inform the Senate (1) "upon what authorization of law, constitutional or statutory, expressed or implied, does the State Department base its right either to approve or disapprove investment securities offered for sale in the money markets of the United States by foreign goverments, corporations, or individuals," and (2) "by what sanction of law, constitutional or statutory, does the State Department assume the right to direct action of the Federal Reserve Board or banks with respect to their lawful powers concerning the business of banking in foreign countries or the investments of these banks in foreign securities offered in the money markets of the United States"; and

Whereas the Secretary of State, as of June 20, 1930, responded to clause 1 of said Senate resolution by referring the Senate to Article II of the Constitution of the United States and to section 202 of the Revised Statutes as authority for the exercise of the functions referred to in clause 1 of said Senate resolution; and

Whereas the Secretary of State, in response to clause 2 of said Senate resolution, asserts that "the Department of State has not assumed the right to direct the action of the Federal Reserve Board or banks with respect to their lawful powers," as mentioned in Senate Resolution 293, and in this connection refers the Senate to an official statement of the Secretary of State issued May 16, 1929; and

Whereas a careful inspection of Article II of the Constitution of the United States and of section 202 of the Revised Statutes discloses no single sentence which, explicitly or implicitly, authorizes the action taken by the Department of State with respect to the flotation of foreign investment loans on the money markets of the United States; and

Whereas a careful examination of the statement issued by the Secretary of State on May 16, 1929, reveals the exact declaration that the department "will not permit any officials of the Federal reserve system either to themselves serve or to select American representatives as members of the proposed international bank": Therefore be it

Resolved, That it is the sense of the Senate that the Department of State, having no legal sanction for the action mentioned in Senate Resolution 293 with respect to investment securities offered in the money markets of the United States by foreign governments, corporations, or individuals, should desist from the dangerous practice of involving the United States Government in any responsibility of whatever nature, either by approval or disapproval, for foreign investment loans floated in this country, and should refrain from assuming authority over the Federal Reserve Board and banks or officials thereof with respect to matters which, by express authority of law, are confided to them and not to the Department of State.

PRINTING OF ABSTRACT OF HEARINGS ON LONDON NAVAL TREATY (S. DOC. NO. 197)

Mr. HALE. Mr. President, at my request the Navy Department has prepared an abstract of the testimony on certain sali-

ent questions of the London naval treaty given before the Committee on Naval Affairs of the Senate. I ask that it be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and leave is granted.

GOVERNMENT POWER PLANT AT WILSON DAM

Mr. BLACK. Mr. President, I send to the desk a resolution, which I ask may be read.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 303), as follows:

Resolved, That it is the sense of the Senate that pending the enactment of legislation providing for the disposition of power generated by the Government power plant at Wilson Dam, the Secretary of War should not discriminate against municipalities in the sale of said power, but should sell power to municipalities applying for same, upon as liberal terms and conditions as such power is sold to private power companies.

Mr. BLACK. I ask unanimous consent that the resolution may be considered at the present time in order that we may obtain a record vote of the Senate upon it. I feel sure there can be no objection raised, but I know that it will have more effect if we have a record vote.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, does the Senator mean to state that the Secretary of War has manifested a tendency toward a discrimination against municipalities in the sale of power?

Mr. BLACK. The situation is that the Secretary of War has declined over a period of three years to sell one kilowatt of power to municipalities, even though 80 per cent of it is going to waste every day.

Mr. McNARY. I ask that the clerk may again read the resolution.

The VICE PRESIDENT. The resolution will again be read.

The Chief Clerk again read the resolution.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from Alabama if he means the resolution to apply only to those municipalities which own their own plants or whether it is to apply to those municipalities which are served by private power companies?

Mr. BLACK. I mean for the resolution simply to provide that in the sale of power which the Government owns any purchaser who asks to buy shall be treated like any other purchaser, whether that purchaser be a municipality or a private power company. Therefore it would make no difference who was serving the municipality; it would be none of our business.

Mr. TYDINGS. I was wondering whether in the case of a municipality that is now being served by a private company that municipality could secure its current in competition with the private company under the Senator's resolution and that the private company would not have an equal right with the municipality to acquire power?

Mr. BLACK. This resolution simply expresses the sense of the Senate, not that the Government should decline to sell to private power companies, but that it should sell to private power companies or municipalities, and should sell to municipalities upon as liberal terms as it sells to private power companies.

Mr. TYDINGS. And vice versa.

Mr. BLACK. Certainly. The Government is already selling to power companies, but it will not sell to municipalities.

Mr. TYDINGS. Under the Senator's explanation, I shall not object, but I should object if it were so construed that municipalities which are now being served by private concerns could buy the power and the private company would be denied an equal right to purchase power.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GILLETT. I object.

Mr. BLACK. I inquire who objected?

The VICE PRESIDENT. The Senator from Massachusetts [Mr. GILLETT] objected.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. On objection, does not the resolution go over under the rule, and come up automatically to-morrow?

The VICE PRESIDENT. The resolution goes over under the rule.

Mr. BLACK. And it will come up to-morrow morning?

The VICE PRESIDENT. It will come up to-morrow morning if there shall be an adjournment to-day.

CHANGE OF REFERENCE

Mr. BINGHAM. Mr. President, some time ago there was referred to the Committee on Territories and Insular Affairs the bill (S. 4605) granting rights of way for the construction of highways and making reservation therefor over public lands in the Territory of Alaska. It is the opinion of the committee that this bill should be referred to the Committee on Public Lands and Surveys, and therefore I ask unanimous consent that the Committee on Territories and Insular Affairs may be discharged from the further consideration of the bill and that it may be referred to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Without objection, it is so ordered.

EQUIPMENT OF LOCOMOTIVES WITH SUITABLE BOILERS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3845) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924, which were, on page 2, line 2, to strike out all after the word "amended" down to and including the word "amended" in line 3; on page 2, line 7, to strike out "Sec. 4" and insert "Sec. 2"; on page 2, line 7, after the word "act," to insert "as amended"; and on page 2, line 9, to strike out "year" and insert "YEAR."

Mr. COUZENS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

DIAL AND MANUAL TELEPHONES IN THE SENATE

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 300) submitted by Mr. SWANSON on June 24, 1930, as follows:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to order the Chesapeake & Potomac Telephone Co. to equip within 30 days all offices in the Senate wing of the United States Capitol and the Senate Office Building with telephones which may be operated either with dial or manually.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. SWANSON obtained the floor.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I yield.

Mr. COPELAND. Would the resolution cover telephones in the branch office of the Veterans' Bureau in the Senate Office Building?

Mr. SWANSON. Absolutely.

Mr. President, there has been a misconception about this resolution, as evidenced by publications in the newspapers. It is intimated that the resolution, if adopted, would undo what was done in connection with the installation of manual telephones. The fact is that under this resolution, if adopted, the manual telephones will be continued as desired by the junior Senator from Virginia.

Mr. GLASS. As desired by the Senate; not alone by me.

Mr. SWANSON. And as desired by the Senate. I showed the resolution to my colleague before I introduced it, and it was satisfactory to him. He now suggests, however, that it be modified by striking out the words "and directed," so as to read:

That the Sergeant at Arms of the Senate is hereby authorized to order—

And so forth.

I have no objection to that modification.

Mr. GLASS. I suggest this alteration in the resolution: Strike out the words "authorized and," in the second line, and substitute the word "authorize" for the word "order" in the same line.

The VICE PRESIDENT. Will the Senator kindly restate his amendment?

Mr. GLASS. I wish to strike out the words "authorized and," in the second line, and to strike out "order" and insert "authorize" in the same line, so that it may read:

The Sergeant at Arms of the Senate is hereby directed to authorize the Chesapeake & Potomac Telephone Co.—

And so forth.

The VICE PRESIDENT. Is that modification satisfactory to the senior Senator from Virginia?

Mr. SWANSON. I have no objection to it.

The VICE PRESIDENT. The resolution will be modified, as requested.

Mr. GLASS. In this connection, Mr. President, I wish to call attention to the fact that I have never objected to the tele-

phone company installing the dial system, provided it would continue the manual system. That it did not do, but, on the contrary, it expressly required the patrons of the telephone company in the Capitol and in both office buildings to use the dial. To that I objected; and not only did I object, but, in order that the Senate may not seem to be eccentric about the matter, I wish to say that I have here more than a hundred letters and telegrams from all over the United States denouncing the dial telephone system as a nuisance and as instituted purely for the benefit of the telephone company.

If the telephone company wants to establish a dual system here, I have no objection in the world to it, and never have had, except that I think the Senate should have authorized that instead of first ordering the dials out and now authorizing them to be put back.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. DILL. I desire to speak on this subject in my own right and will wait until I can have the floor.

Mr. SWANSON. I yield the floor.

Mr. DILL. Mr. President, I want to say just a few words about the dial telephone system. It was suggested here on the floor of the Senate some days ago, when a vote was asked upon the resolution of the Senator from Maryland [Mr. TYDINGS], that those of us who were opposing the resolution were standing in the way of progress. Some Senators seem to have the idea that the dial system is something new and that we who oppose it are standing in the way of something new in this country. The truth of the matter is that the dial system is not new at all.

Several years ago the dial system was established in my home town. We got rid of it finally, but in the last two or three years it has been put back again. This system is a mechanical system which half of the time is unsatisfactory to a great many users and it results in throwing out of work large numbers of people. The argument which is made that the telephone companies simply retain the employees they have and do not have to turn anybody off is a specious argument. What they mean by that is that as employees quit work they do not employ new ones to take their places. They may keep the old ones on the job but as employees drop out the number is gradually reduced.

Of course, if the Senate wants to adopt the resolution so that Senators may have either system, that is the privilege of the Senate; I can not prevent that; but I do object to the idea that there is anything progressive or anything new about the dial system.

In the first place, if the telephone company wanted to have a dial system they should have employed inventors and devised a method that would make it easily workable. It could not be more awkward than it is. One has to use both hands to dial, in the first place; he must be in a position where there is a good light, day or night, in order to see the number, and if he happens to turn the dial not quite far enough, then he gets a wrong connection. If the telephone companies want to use the dial system, they ought to invent something simple and something that may be easily used; but they have not made any improvement in the method of the dial in a number of years. It is a continual nuisance to those who are accustomed to use the regular telephone.

But, as I have said, if Senators want to have it, that is their privilege, just as it is my privilege not to want it. I am not going to hold up the Senate about it.

Mr. GLASS. Mr. President, in substantiation of what the Senator from Washington [Mr. DILL] has just said about the dial system not being modern and not being an improvement, I wish to read one or two samples of letters which I have received from all over the country. I had a letter the other day from a manufacturing concern in Los Angeles demanding to know why United States Senators should be privileged characters and asking, if we were going to order the dial system out of the Capitol, why we should not send out to California and order it out of that State.

I hold in my hand a letter from a large manufacturing concern in Davenport, Iowa, in which the writer says:

> DEAR SENATOR GLASS: May an entire stranger to you express his satisfaction and enjoyment at your verbal broadside against that pest of pests, the dial telephone. It is amusing but maddening to hear some speak of it as a modern "improvement" and as "human progress." It seems all one has to do is to label a thing "modern" or "progressive" and a lot of people will swallow it, hook, line, and sinker. More power to you.

The letter is signed by Edward C. Roberts, president of an extensive manufacturing establishment at Davenport, Iowa.

Here is one from Fort Smith, Ark., from which I quote as follows:

> Everybody that I come in contact with is complimenting you upon the position you have taken and that you have "stood pat."
>
> Before the Bell Telephone put it in they contended it saved time for their employees and that it would give quicker results and promised there wouldn't be any additional charge.

Extra charge! They ought to reduce the charge if they are going to require patrons to do the switchboard work for the company.

> Now, since they are putting it in, and saving money by it, in some towns they are making a charge for the dial.

An extra charge for this nuisance!

I have, as I have said, over a hundred letters and telegrams on the same subject. I will read a telegram received from New York, as follows:

> Congratulations on your stand against the dial telephone. Of all the nuisances perpetrated on a suffering public this is the worst, not mentioning the annoyance and extra cost to the public, which can not be checked and must be paid for. Very unsatisfactory service.
>
> H. HAGGERTY,
> *41 Park Road, New York.*

I also quote the following from a letter from an official of the National Chemo Ice Corporation, dated Washington, May 23, 1930:

> I was indeed much pleased, and believe I voice the sentiments of the average business man in Washington, at your stand on the dial telephone.
>
> It may be of interest to you to know that the present system of dial phones in Washington is practically the dial phone of 30 years ago. This system was installed by an independent company, namely, the Automatic Telephone Co., in Chicago in 1900. At that time the Bell Co. had all of their experts criticizing the automatic system, and their principal objection was that you could not make a call in the dark, and that oftentimes the delay in making a light in case of an emergency call would be disastrous.

Mr. President, so long as I am not pestered with the dial and may have the manual telephone, while those who want to be pestered with it, as my colleague evidently does, may have it, all right.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

JACOB AMBERG

Mr. THOMAS of Oklahoma. Mr. President, some time ago I introduced a bill (S. 1676) proposing to grant a pension to Jacob Amberg. The bill was referred to the Committee on Pensions, and has received an adverse report. Certain data were submitted in support of the bill. I ask unanimous consent that the committee be authorized to return the data furnished by Mr. Amberg.

The VICE PRESIDENT. The rule provides, as the Senator knows, that if there is an adverse report the papers can not be returned. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

THE PRESENT PROHIBITION ENFORCEMENT SITUATION

Mr. SHEPPARD. Mr. President, I present and ask leave to have published in the RECORD an article entitled "The Present Prohibition Enforcement Situation," by Dr. F. Scott McBride, general superintendent of the Anti-Saloon League of America, published in the New York Herald Tribune of May 25, 1930.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> Public discussion of prohibition in recent weeks has been so widespread and so intense that much confusion has been created in the public mind relative to the real situation. Reports of investigations of wet and dry organizations, public hearings on wet and dry legislation, together with magazine and newspaper polls on prohibition, have no doubt caused many to wonder what it is all about. Is there a wet revolt? Has prohibition failed? Can the eighteenth amendment be repealed? Has enforcement broken down? Are liquor evils worse than ever? These are some of the questions that inevitably arise in the public mind. Accordingly, I welcome the opportunity to briefly discuss just what has happened or is happening in relation to prohibition enforcement.
>
> In the first place, nothing has been materially changed so far as the law is concerned. The eighteenth amendment still stands, the laws for its enforcement are still in the statute books, and there has been no variation from the almost unbroken line of court decisions upholding the validity of both the amendment and supporting legislation. Also,

there is no indication of weakening dry strength in the Senate and the House. Whatever legislation is passed in this session relative to prohibition will tend to strengthen prohibition enforcement. The storm of wet publicity occasioned by the introduction of wet bills in Congress was deliberately engineered as a part of the wet propaganda campaign and was not expected even by the wets to affect legislation. Furthermore, State enforcement laws still stand in 43 States, most of whose dry statutes are as effective in operation and as securely in the law as the Volstead Act itself. Any recent changes in the personnel of enforcement officials, Federal and State, have been in the general direction of improvement. Incompetent or indifferent officials are gradually being weeded out through the exercise of appointive power or by action of voters in elections. Better organization, better cooperation, and constant experience are improving the effectiveness of enforcement efforts all along the line. The enforcement machinery that supports the eighteenth amendment, viewed as a whole, is more reliable and more effective right now than ever before.

There is nothing to indicate that public opinion on prohibition has changed. Newspaper and magazine polls in the very nature of things represent little more than a roll call of the wets. There always have been a great many wets in America and will continue to be for some time. Accordingly it is not strange that extensive agitation through the press and by radio, at a time when organized wets are more active than ever before, should result in the casting of many more wet votes than dry in any straw ballot publicity enterprise. While modern journalism and the radio have made it possible to increase the extensiveness of a straw-ballot demonstration, there is nothing to indicate that the accuracy of this form of gaging public opinion has been improved. The wets have always won straw-ballot contests while the drys have won at real elections.

Another thing even more fundamental than the foregoing that has not been changed is the nature and effect of intoxicating liquor. Alcohol is still a narcotic, habit-forming poison. Intoxicating liquor still intoxicates despite all the bitter attacks against prohibition, and the almost frantic appeals for some form of legal permission to sanction what the eighteenth amendment forbids. Intoxicating liquor has not been idolized into harmlessness, but is just as bad as ever. In fact, when its dangers and destructiveness are considered in connection with the increased importance of sobriety, intoxicating liquor is now infinitely worse than when the eighteenth amendment was adopted.

So it will be seen that after many days and nights of booze, bombs bursting in the air, and rum rockets' red glare all the fundamentals in the prohibition situation are still there. The laws have not been changed. Enforcement has not broken down. And the people are still convinced that enforced prohibition is the best solution of the liquor problem. This leads us to an examination of the success of this method.

First, it is necessary to establish a fair definition of enforcement and a fair basis of comparison. "Enforcement" must not be confused with "prevention." Exceptions must not be permitted to pose as the rule. Of course, there are still liquor law violations, just as there are still deaths from preventable diseases, detours along the highways, accidents in industry, property loss by fire, and countless other evils and losses against which society is struggling. The test of enforcement, therefore, is not the extent of evils yet unconquered, but the progress that has been made in the right direction. It is unfair to judge the law by the results under its misuse, disuse, or abuse. The results of prohibition must be measured by its effect when it is given the chance to which it is entitled as the duly instituted policy of government for the suppression of the liquor evil.

It is also necessary to make fair comparisons if the effect of prohibition is to be accurately judged. Practically everyone admits that conditions now under prohibition are much better than conditions while the legalized saloon existed. And yet it is not fair to compare 1917 wet with 1930 dry without making due allowance for other changes that have taken place. Automobiles are faster and more numerous now. Mass production with mechanical power has multiplied the dangers and disadvantages of intoxication. The war greatly accelerated the movement toward social freedom and independence. The radio with synchronized programs and aeronautics with constant control imperative are but two of the more dramatic modern developments demanding human brains and human hands unaffected by alcohol. Therefore a fair comparison is not one contrasting present conditions with those existing in wet days. The true test is a reasonable appraisal of conditions as they would be now under the old system of liquor control or license compared with conditions as they are under prohibition. Another consideration that will be taken into account by all who regard the future general welfare, and not merely present personal desires, is the test of the trend of conditions under prohibition enforcement. In other words, is the prohibition enforcement method of liquor suppression a movement in the right direction? If the present trend toward power in production, speed in transportation, and freedom in social relationships is to continue, absolute sobriety will become increasingly important. The question, therefore, is partly one of whether prohibition enforcement is the right process to prepare America for the future. It must be judged not by the inevitable disarrangement surrounding new construction but by its eventual place in the American plan. With the exception of those at the top and bottom, respectively, too strong and weak to care, the answer of all must be that America's future demands the minimum use of intoxicants.

There may be those who sincerely believe that alcoholism will decrease if alcohol is made more conveniently available. But the drys openly profess and many of the wets must secretly confess that prohibition, aided by observance and backed by enforcement, is the most effective way to discourage the use of alcohol for beverage purposes. The fact remains that after years of experimentation this method was made the national policy of our Government through the adoption of the eighteenth amendment. Even now after 10 years of constant criticism the wets have failed to agree upon a plan that they dare to present as a substitute solution for the liquor problem. The present most hectic session of Congress with reference to wet opposition has brought forth no proposed legislation to take the place of enforced prohibition. The recent Washington convention of the various wet organizations adjourned without having offered a constructive plan to combat alcoholism. Therefore, with prohibition in the fundamental law, the enforcement machinery in operation, and nothing else in sight that would do the job of protecting high-speed, high-powered America against alcohol, there is just one really pertinent question. That is how to improve prohibition enforcement. In the past 10 years many handicaps have been overcome. Weak places in the law have been strengthened. Wholesale importations have been checked. Wholesale diversions have been greatly decreased. Enforcement personnel has been improved. But there are still other handicaps to overcome. The most serious at present is propaganda against the law. By this I mean the campaign of continual criticism which inevitably tends to discourage enforcement and encourage violation. Without doubt recent vicious attacks against the law have prompted many to drink who would otherwise have been content to abstain. It is equally certain that these attacks have given moral support to violators and have tended to weaken the morale of many charged with enforcement responsibilities. If the public press, particularly the popular magazines and the metropolitan newspapers, together with movies, should give whole-hearted, consistent, constructive support to prohibition observance and enforcement, the use of intoxicants would soon reach the lowest level ever achieved in the age-long struggle against alcoholism.

Another present enforcement handicap is the practice of playing politics with prohibition. Many men in public office endeavor to capitalize the wet sentiment that exists in their districts. Instead of giving sane and reasonable support to the Nation's program to suppress liquor they avail themselves of every occasion to inflame animosities against the dry law. They pose as patriots, but profiteer in prejudices.

Another handicap is the tendency of local officials to rely on the Federal Government for action against local violators. This situation was brought about largely by the intense publicity relative to Federal prohibition activities at Washington and partly by the perfectly human willingness of officials to shift unpleasant duties to more distant officials.

All of these and other prohibition difficulties can be remedied or overcome. Duty shifting local officials can be replaced. The influence of the wet press can be neutralized. Wet politicians will eventually become powerless when the public realizes more fully that they are merely blowing off a lot of steam without moving the machinery.

To those who want liquor when they want it and where they want it, cheap, convenient, and respectable, prohibition is, of course, increasingly unsatisfactory. But to those who want to solve the problem of protecting America from the narcotic habit-forming poison, beverage alcohol, prohibition offers the best hope for success.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, and it was signed by the Vice President.

THE CALENDAR

The VICE PRESIDENT. The morning business is closed.

Mr. McNARY. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning with Order of Business No. 993, House Joint Resolution 253.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CONGRESS OF MILITARY MEDICINE AND PHARMACY

The Senate proceeded to consider the joint resolution (H. J. Res. 253) to provide for the expenses of a delegation of the United States to the sixth meeting of the Congress of Military Medicine and Pharmacy to be held at Budapest in 1931, which

had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 9, after the word "Budapest," to insert "or such other place as may be determined upon," so as to make the joint resolution read:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum, not exceeding $10,000, as may by the President be considered necessary for the expenses of participation by the United States through delegates appointed by the President in the Sixth International Congress of Military Medicine and Pharmacy to be held at Budapest or such other place as may be determined upon, including travel expenses, subsistence or per diem in lieu thereof (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary (without regard to the provisions of sec. 3709 of the Revised Statutes), purchase of necessary books and documents, printing and binding in the District of Columbia or elsewhere, official cards, and such other expenses as the President may deem necessary.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

BITTER ROOT IRRIGATION PROJECT, MONTANA

Mr. WALSH of Montana. Mr. President, when Order of Business 992, Senate bill 3826, was reached on yesterday, I was inadvertently absent from the Chamber. I ask unanimous consent to begin with Order of Business 992 instead of Order of Business 993.

Mr. PHIPPS. Mr. President, on account of the absence of the senior Senator from Washington [Mr. JONES] at the moment, I will ask if the Senator will not defer that request temporarily.

Mr. WALSH of Montana. Yes, Mr. President.

The VICE PRESIDENT. The clerk will state the next bill on the calendar.

CENTRAL BUREAU OF INTERNATIONAL MAP OF THE WORLD ON THE MILLIONTH SCALE

The joint resolution (H. J. Res. 14) to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale was read, considered, ordered to a third reading, read the third time, and passed.

LIVING QUARTERS, ETC., FOR CIVILIAN OFFICERS AND EMPLOYEES STATIONED ABROAD

The bill (H. R. 11371) to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries was read, considered, ordered to a third reading, read the third time, and passed.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

E. J. KERLEE

The Senate proceeded to consider the bill (H. R. 4564) for the relief of E. J. Kerlee, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "Service," to strike out "and that the United States Employees' Compensation Commission be directed to pay the said E. J. Kerlee under the act regulating its administrative functions, such payments to begin as of February 14, 1928, being the date of the death of the deceased," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of E. J. Kerlee, who is declared to be a totally dependent father of Arthur LeRoy Kerlee, deceased, late a bacteriologist in the Public Health Service.

Mr. WALSH of Montana. Mr. President, I trust the amendment will not be agreed to.

The VICE PRESIDENT. The question is on the amendment of the committee.

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HOWELL subsequently said: Mr. President, I desire to ask reconsideration of House bill 4564, for the relief of E. J. Kerlee. I understand that this bill was passed without the amendment recommended by the committee.

The VICE PRESIDENT. The question was put on the amendment proposed by the committee, and it was voted down, and the bill passed without the amendment.

Mr. HOWELL. I desire to serve notice now of a motion for reconsideration.

The VICE PRESIDENT. The Senator from Nebraska enters a motion to reconsider.

Mr. WALSH of Montana. Mr. President, I think the amendment actually makes no change whatever in the bill, and if it would operate to defeat its passage I should be quite willing that the amendment be adopted; but let me remark to the Senator that the bill, as will be observed, reads:

That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of E. J. Kerlee, who is declared to be a totally dependent father of Arthur LeRoy Kerlee, deceased, late a bacteriologist in the Public Health Service.

So the bill as it now stands declares the father to be a dependent upon the son, who died in the service. That necessarily establishes his right under the law to the compensation which is provided for in that part of the bill which has been stricken out.

Mr. HOWELL. With the consent of the Senator from Montana, I ask for a reconsideration.

The VICE PRESIDENT. Without objection, the vote whereby the bill was ordered to a third reading and passed will be reconsidered, and the vote whereby the amendment of the committee was rejected will be reconsidered. The question now is upon agreeing to the amendment of the committee.

Mr. WALSH of Montana. Mr. President, as I have stated to the Senator from Nebraska, I do not think that the purport of the bill is materially affected, whether the portion of it stricken out by the amendment is retained or not. Accordingly, rather than have the bill go over, I make no objection to the amendment offered by the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOSEPH A. M'EVOY

The bill (H. R. 329) for the relief of Joseph A. McEvoy was read, considered, ordered to a third reading, read the third time, and passed.

ANGELO CERRI

The bill (H. R. 414) for the relief of Angelo Cerri was read, considered, ordered to a third reading, read the third time, and passed.

LUTHER W. GUERIN

The bill (H. R. 471) for the relief of Luther W. Guerin was read, considered, ordered to a third reading, read the third time, and passed.

GUY E. TUTTLE

The bill (H. R. 655) for the relief of Guy E. Tuttle was read, considered, ordered to a third reading, read the third time, and passed.

ROSE LEA COMSTOCK

The bill (H. R. 1888) for the relief of Rose Lea Comstock was read, considered, ordered to a third reading, read the third time, and passed.

MRS. W. M. KITTLE

The bill (H. R. 2166) for the relief of Mrs. W. M. Kittle was read, considered, ordered to a third reading, read the third time, and passed.

SARAH E. EDGE

The bill (H. R. 2167) for the relief of Sarah E. Edge was read, considered, ordered to a third reading, read the third time, and passed.

A. C. ELMORE

The bill (H. R. 6627) for the relief of A. C. Elmore was read, considered, ordered to a third reading, read the third time, and passed.

HOWARD PERRY

The bill (H. R. 7013) for the relief of Howard Perry was read, considered, ordered to a third reading, read the third time, and passed.

CATHERINE WHITE

The Senate proceeded to consider the bill (H. R. 494) for the relief of Catherine White, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$1,000" and insert "$250," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Govment, the sum of $250 to Catherine White.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLARENCE C. CADELL

The Senate proceeded to consider the bill (H. R. 528) for the relief of Clarence C. Cadell, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence C. Cadell, as reimbursement for expenses and inconveniences suffered by him as the direct result of personal injuries received by him on October 25, 1921, at Baltimore, Md., when he was struck by an automobile operated by the United States Army, the sum of $480.12, in full settlement of his claim for damages and loss of earnings and incidental expenses resulting from said injury.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAURA A. DEPODESTA

The bill (H. R. 1759) for the relief of Laura A. DePodesta was announced as next in order.

Mr. REED. Mr. President, this is a bill to give six months' pay to a lieutenant of the Reserve Corps who was killed in an airplane accident.

There have been a good many deaths of the same sort under similar circumstances. It has seemed to the Military Affairs Committee, to which some of these bills have been referred, that it is not fair to single out particular cases for compensation, and that the matter ought to be cared for by general legislation. It is for that reason that I am going to object; and I assure the Senate that we shall try to bring out a bill which will provide automatically for such compensation in these cases.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

KATHERINE FRANCES LAMB AND ELINOR FRANCES LAMB

The Senate proceeded to consider the bill (H. R. 495) for the relief of Katherine Frances Lamb and Elinor Frances Lamb, which had been reported from the Committee on Claims with amendments, on page 1, line 3, after the word "the," to strike out "Postmaster General" and insert "Secretary of the Treasury be, and he," and in line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Frances Lamb the sum of $1,500 in full settlement for injuries received by her and by her 7-year-old daughter, Elinor Frances Lamb, when, on July 10, 1926, while they were passing the building in the city of Yonkers, N. Y., owned by the United States Government and located on property purchased by it for post-office purposes, a plate-glass window, negligently insecure, was blown out by a windstorm and severely cut and injured both the mother and daughter: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PARKE, DAVIS & CO.

The bill (H. R. 328) for the relief of Parke, Davis & Co. was read, considered, ordered to a third reading, read the third time, and passed.

J. H. MUUS

The bill (H. R. 396) for the relief of J. H. Muus was read, considered, ordered to a third reading, read the third time, and passed.

BENJAMIN C. LEWIS AND BESSIE LEWIS

The bill (H. R. 523) for the relief of Benjamin C. Lewis and Bessie Lewis, his wife, was read, considered, ordered to a third reading, read the third time, and passed.

Mr. TYDINGS subsequently said: Mr. President, a moment ago we passed House bill 523, for the relief of Benjamin C. Lewis and Bessie Lewis, his wife.

That bill was introduced in the House by a Maryland Representative; and I understand that the amount which is carried is unsatisfactory to the people who brought it to his attention. I therefore ask unanimous consent to reconsider the action by which the bill was passed, and that it be recommitted to the committee for further hearing.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ARTHUR H. THIEL

The bill (H. R. 1485) for the relief of Arthur H. Thiel was read, considered, ordered to a third reading, read the third time, and passed.

THOMAS SELTZER

The bill (H. R. 1546) for the relief of Thomas Seltzer was read, considered, ordered to a third reading, read the third time, and passed.

WILLIAM MEYER

The bill (H. R. 1592) for the relief of William Meyer was read, considered, ordered to a third reading, read the third time, and passed.

HOMER ELMER COX

The bill (H. R. 2645) for the relief of Homer Elmer Cox was read, considered, ordered to a third reading, read the third time, and passed.

DR. CHARLES F. DEWITZ

The bill (H. R. 2776) for the relief of Dr. Charles F. Dewitz was read, considered, ordered to a third reading, read the third time, and passed.

PETERSON-COLWELL (INC.)

The bill (H. R. 3072) for the relief of Peterson-Colwell (Inc.) was read, considered, ordered to a third reading, read the third time, and passed.

CHARLES H. YOUNG

The bill (H. R. 3431) for the relief of Charles H. Young was read, considered, ordered to a third reading, read the third time, and passed.

META S. WILKINSON

The bill (H. R. 3441) for the relief of Meta S. Wilkinson was read, considered, ordered to a third reading, read the third time, and passed.

SYLVESTER J. EASLICK

The bill (H. R. 5113) for the relief of Sylvester J. Easlick was read, considered, ordered to a third reading, read the third time, and passed.

TOPA TOPA RANCH CO. AND OTHERS

The bill (H. R. 5459) for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa was read, considered, ordered to a third reading, read the third time, and passed.

FRED S. THOMPSON

The bill (H. R. 5526) for the relief of Fred S. Thompson was read, considered, ordered to a third reading, read the third time, and passed.

RAY WILSON

The bill (H. R. 5872) for the relief of Ray Wilson was read, considered, ordered to a third reading, read the third time, and passed.

R. E. MARSHALL

The bill (H. R. 5962) for the relief of R. E. Marshall was read, considered, ordered to a third reading, read the third time, and passed.

Mr. PHIPPS. Mr. President, may I suggest that we are going a little rapidly? It is almost impossible for anyone to scan these bills to see what they mean.

The VICE PRESIDENT. The clerk will read a little more slowly.

DALTON G. MILLER

The bill (H. R. 6209) for the relief of Dalton G. Miller was read, considered, ordered to a third reading, read the third time, and passed.

JOSEPH K. MUNHALL

The bill (H. R. 6210) to authorize an appropriation for the relief of Joseph K. Munhall was read, considered, ordered to a third reading, read the third time, and passed.

ELIZABETH LYNN

The Senate proceeded to consider the bill (H. R. 6227) for the relief of Elizabeth Lynn, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the words "sum of," to strike out "$5,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, which shall be paid by the Secretary of the Treasury to Elizabeth Lynn for all injuries and damages and money expended growing out of injuries and damages received by her on May 31, 1919, at Fourteenth and Oak Streets NW., Washington, D. C., and which were caused by the falling of a tree which was uprooted when struck by a United States Army automobile, United States No. 2055, driven by Ellis Vernon Lynch, colored, making necessary an operation and causing great mental and physical anguish: *Provided,* That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ROBERT W. VAIL

The bill (H. R. 6825) to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail was read, considered, ordered to a third reading, read the third time, and passed.

M. L. FLOW

The bill (H. R. 7664) to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment was read, considered, ordered to a third reading, read the third time, and passed.

PALMER FISH CO.

The Senate proceeded to consider the bill (H. R. 8347) for the relief of the Palmer Fish Co., which was read the third time and passed.

CHARLES G. METTLER

The Senate proceeded to consider the bill (H. R. 8393) to authorize the Court of Claims to correct an error in claim of Charles G. Mettler, which was read the third time and passed.

STREET-RAILWAY CORPORATIONS MERGER

The joint resolution (S. J. Res. 105) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. BLAINE and Mr. PHIPPS asked that the joint resolution be passed over.

Mr. GLASS. Mr. President, I want to inquire what Senator it was who objected to this, and why?

The VICE PRESIDENT. Two Senators objected.

Mr. GLASS. I would like to know who they are.

Mr. PHIPPS. Mr. President, I objected, for one, simply because the joint resolution is a lengthy measure with which I am not familiar, and I did not think it could be properly considered under the 5-minute rule.

Mr. GLASS. It is a measure which was reported by the District Committee, authorizing the two public-railway companies in the District of Columbia to merge.

Mr. PHIPPS. It occurred to me that it could not be properly considered under the 5-minute rule; but if the Senator is of the other opinion, I will be pleased to withdraw my objection.

Mr. GLASS. The provisions of the joint resolution might be stated within five minutes, if it did not create any controversy. If it is going to create controversy, I do not want to insist on it.

Mr. McKELLAR. Mr. President, this is a very important measure. Does it provide for the reduction of fares after the companies are merged?

Mr. GLASS. That question is in the courts. This measure does not provide for a reduction of the fares.

Mr. LA FOLLETTE. Mr. President, in the interest of saving time, I object.

The VICE PRESIDENT. Objection is made by the Senator from Wisconsin, and the joint resolution will be passed over.

TERM OF COURT AT PONCA CITY, OKLA.

The Senate proceeded to consider the bill (H. R. 6347) to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182), which was read the third time and passed.

MISSOURI RIVER BRIDGE, KANSAS

The Senate proceeded to consider the bill (H. R. 10376) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans., which was read the third time and passed.

JOHN MAIKA

The Senate proceeded to consider the bill (H. R. 531) for the relief of John Maika, which had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$5,000" and insert in lieu thereof "$2,500"; and on line 9, to strike out "$5,000" and insert in lieu thereof "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John Maika the sum of $2,500 in full settlement of all claims against the Government of the United States resulting from the death of his son, Michael Maika, who was struck and killed by an Army truck of the United States of America on the 3d day of September, 1923, and the said sum of $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

C. B. SMITH

The Senate proceeded to consider the bill (H. R. 794) for the relief of C. B. Smith, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. B. Smith, of Elizabethtown, Hardin County, Ky., the sum of $1,500 in full settlement of all claims against the United States for injuries arising out of a gunshot wound inflicted by the discharge of a machine gun in Elizabethtown on April 6, 1918.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BELLE CLOPTON

The Senate proceeded to consider the bill (H. R. 913) for the relief of Belle Clopton, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,000" and insert in lieu thereof "$500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $500 to Belle Clopton, of Covington, Ky., on account of injuries sustained when struck by a post-office mail truck in said city on December 24, 1927.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CATHARINE KEARNEY

The Senate proceeded to consider the bill (H. R. 919) for the relief of the father of Catharine Kearney, which had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out "$5,000" and insert in lieu thereof "$2,500," and on page 2, line 3, to strike out "$5,000" and insert in lieu thereof "$2,500," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the father of Catharine Kearney, of Manhattan Borough, New York City, the sum of $2,500 as damages sustained by reason of the killing of said Catharine Kearney, who died in Manhattan Borough, New York City, on March 24, 1919, as a result of injuries received at New York City on March 24, 1919, by being run down by a Government-owned automobile truck operated by an employee of the United States Mail Service under the jurisdiction of the New York post office; such sum of $2,500 to be distributed to said decedent's father and next of kin as damages in an action for causing death by a wrongful act under the laws of the State of New York: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLYDE CORNISH

The Senate proceeded to consider the bill (H. R. 2170) for the relief of Clyde Cornish, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Clyde Cornish, of Frankfort, Ky., the sum of $2,500 because of physical injury and damages sustained by him when struck by a motor truck owned and operated by the War Department: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HASKINS & SELLS

The Senate proceeded to consider the bill (H. R. 320) for the relief of Haskins & Sells, which was read the third time and passed.

M. L. WILLIS

The Senate proceeded to consider the bill (H. R. 597) for the relief of M. L. Willis, which was read the third time and passed.

W. P. THOMPSON

The Senate proceeded to consider the bill (H. R. 864) for the relief of W. P. Thompson, which was read the third time and passed.

JESSE A. FROST

The Senate proceeded to consider the bill (H. R. 1058) for the relief of Jesse A. Frost, which was read the third time and passed.

EVELYN HARRIS

The Senate proceeded to consider the bill (H. R. 1066) for the relief of Evelyn Harris, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the numerals "$1,720," to insert the words "in full settlement of all claims against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Evelyn Harris, out of any money in the Treasury not otherwise appropriated, the sum of $1,720 in full settlement of all claims against the Government for damage to her pear orchard caused by fire, which originated through the negligence of a Government employee in the Aberdeen Proving Ground observation tower at Howells Point, Md., December 14, 1925.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

A. N. WORSTELL

The Senate proceeded to consider the bill (H. R. 1174) for the relief of A. N. Worstell, which was read the third time and passed.

JACOB GUSSIN

The Senate proceeded to consider the bill (H. R. 1712) for the relief of the heirs of Jacob Gussin, which was read the third time and passed.

F. G. BAUM

The Senate proceeded to consider the bill (H. R. 1717) for the relief of F. G. Baum, which was read the third time and passed.

A. E. BICKLEY

The Senate proceeded to consider the bill (H. R. 6243) for the relief of A. E. Bickley, which was read the third time and passed.

PRENTICE O'REAR

The Senate proceeded to consider the bill (H. R. 6537) for the relief of Prentice O'Rear, which was read the third time and passed.

MICHAEL J. BAUMAN

The Senate proceeded to consider the bill (H. R. 6718) for the relief of Michael J. Bauman, which was read the third time and passed.

FRED SCHWARZ, JR.

The Senate proceeded to consider the bill (H. R. 7068) for the relief of Fred Schwarz, jr., which was read the third time and passed.

LIEUT. COL. FRANK J. KILLILEA

The Senate proceeded to consider the bill (H. R. 9246) to reimburse Lieut. Col. Frank J. Killilea, which was read the third time and passed.

THOMAS GRIFFITH

The Senate proceeded to consider the bill (H. R. 11088) for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va., which was read the third time and passed.

SAMUEL GETTINGER AND HARRY POMERANTZ

The bill (H. R. 334) for the relief of Samuel Gettinger and Harry Pomerantz was announced as next in order.

Mr. REED. Mr. President, this is a bill to pay some $5,000 to two defendants in a criminal case who pleaded nolo contendere, and were fined $5,000. Subsequently, in other litigation between the Government and other people, the act in question was found to be unconstitutional. If we are going to start——

Mr. BLACK. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. BLACK. I happened to be on the committee which passed upon this matter, and I am familiar with it. When it was first presented I had exactly the views entertained by the Senator from Pennsylvania. However, we paid money back in two or three somewhat similar cases last year, and on looking into this record it will be found that when this plea was entered and the fine paid, it was with the understanding, so far as it could be made by the Government officials, that if the law were later held to be unconstitutional, every effort would be made on the part of the Government officials to refund the money. That was the way the plea was entered, and it was entered upon that inducement. Otherwise, the case would have been contested, as the hearing showed, and probably the same result would have occurred. I simply desired to give the Senator that information.

Mr. REED. Mr. President, I wish the Senator would explain to us why the committee has reported out so many bills refunding fines paid in criminal cases. I stopped a bill yesterday to refund a fine to a defendant who had pleaded guilty. The Committee on Claims reported out a bill to refund the fine because his codefendants got binding instructions in their favor, on the ground that there was not sufficient evidence of the commission of a crime. He pleaded guilty, a moderate fine was imposed,

he compromised his case, so to speak, by pleading guilty, and then his codefendants went on to trial, and now the Committee on Claims wants to give this man back the amount of his fine on the plea of guilty. I objected to the bill yesterday.

It seems to me this measure is all of a piece with the bill of which I have spoken. I think we ought to go very slow in remitting fines to defendants who plead nolo contendere in order to escape the trouble and expense of a lawsuit and to get off with a moderate fine.

Mr. BLACK. Mr. President, I will say to the Senator that, as far as the other case was concerned, I do not recall it. With reference to this one, I first objected in the Committee on Claims, on the theory that if we opened the door, the claims would be unlimited, but on looking further into the record I found that the inducement was made and that the claim was then asserted that the law was unconstitutional, and the fine was paid with that understanding. It occurred to me that it would not be fair not to take some such action as this.

Mr. REED. At the present moment, with the Government holding millions of dollars of taxes which have been collected under various wrong constructions and unconstitutional clauses from taxpayers, why we should make a criminal or an apparent criminal whole and not pay an innocent taxpayer, I can not see. It is a question of the wisdom of the policy. I think it deserves more consideration than we could give it now, so I ask that the bill go over.

The VICE PRESIDENT. On objection, the bill will be passed over.

MARGARET LEMLEY

The Senate proceeded to consider the bill (H. R. 1724) for the relief of Margaret Lemley, which was read the third time and passed.

FERNANDO MONTILLA

The Senate proceeded to consider the bill (H. R. 3732) for the relief of Fernando Montilla, which was read the third time and passed.

ALBERT A. INMAN

The bill (H. R. 3889) for the relief of Albert A. Inman was announced as next in order.

Mr. PHIPPS. Let that go over. That and the next one seem to be on the same basis with the one to which the Senator from Pennsylvania objected, and I think both those should go over.

The VICE PRESIDENT. The bill will be passed over.

HARRY MARTIN

The bill (H. R. 3891) for the relief of Harry Martin was announced as next in order.

The VICE PRESIDENT. The same order will be made as to that bill, and it will be passed over.

ISAAC FINK

The bill (H. R. 4161) for the relief of Isaac Fink was announced as next in order.

Mr. REED. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PAUL FRANZ

The Senate proceeded to consider the bill (H. R. 7027) for the relief of Paul Franz, torpedo man, third class, United States Navy, which was read the third time and passed.

BRYAN SPARKS AND L. V. HAHN

The Senate proceeded to consider the bill (H. R. 8491) for the relief of Bryan Sparks and L. V. Hahn, which was read the third time and passed.

BITTER ROOT IRRIGATION PROJECT, MONTANA

The Senate proceeded to consider the bill (H. R. 9990) for the rehabilitation of the Bitter Root irrigation project, Montana, which was read the third time and passed.

Mr. WALSH of Montana. Mr. President, this bill is identical with Senate bill 3826, Order of Business 992, and I ask that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Senate bill will be indefinitely postponed.

REIMBURSEMENT OF STATES

The Senate proceeded to consider the bill (H. R. 704) to grant relief to those States which brought State-owned property into the Federal service in 1917, which was read the third time and passed.

MARCH FIELD MILITARY RESERVATION, CALIF.

The Senate proceeded to consider the bill (H. R. 2021) to authorize the establishment of boundary lines for the March Field Military Reservation, Calif., which was read the third time and passed.

DONATION OF BRONZE CANNON TO AVON, MASS.

The Senate proceeded to consider the bill (H. R. 6264) to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass., which was read the third time and passed.

SALE OF JACKSON BARRACKS MILITARY RESERVATION, LA.

The Senate proceeded to consider the bill (H. R. 6871) to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes, which was read the third time and passed.

RIGHT OF WAY IN HOLABIRD RESERVATION, MD.

The Senate proceeded to consider the bill (H. R. 9280) to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland, which was read the third time and passed.

CONSTRUCTION OF MILITARY POSTS

The Senate proceeded to consider the bill (H. R. 11405) to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes," which was read the third time and passed.

ACQUISITION OF LAND AT KELLY FIELD, TEX.

The Senate proceeded to consider the bill (H. R. 12263) to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims, which was read the third time and passed.

VETERINARY CORPS OF REGULAR ARMY

The Senate proceeded to consider the bill (H. R. 2755) to increase the efficiency of the Veterinary Corps of the Regular Army, which was read the third time and passed.

ACQUISITION OF ADDITIONAL LAND AT MAXWELL FIELD, ALA.

The Senate proceeded to consider the bill (H. R. 7638) to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, which was read the third time and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, JOHNSON CITY, TENN.

The Senate proceeded to consider the bill (H. R. 6340) to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn., which was read the third time and passed.

STATE OF VERMONT

The Senate proceeded to consider the bill (H. R. 3222) for the relief of the State of Vermont, which was read the third time and passed.

FORT GRISWOLD TRACT, CONNECTICUT

The Senate proceeded to consider the bill (S. 4248) authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut, which was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to convey by quitclaim deed to the State of Connecticut, for the purposes of a public park and historic memorial, the tract of land owned by the United States known as the Fort Griswold tract, situated on the east shore of New London Harbor, in the State of Connecticut, and bounded northerly by the Fort Griswold monument reservation and by the land of various private parties, easterly and southerly by the land of various private parties, and westerly by New London Harbor and by the land of various private parties; reserving to the United States, however, the right to resume possession and occupy said tract or any portion thereof whenever in the judgment of the President an emergency exists that requires the use and appropriation of the same for the public defense.

BILL PASSED OVER

The bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, was announced as next in order.

Mr. STECK. Let the bill go over.

The PRESIDING OFFICER. On objection of the Senator from Iowa the bill will be passed over.

THREE HUNDREDTH ANNIVERSARY OF FOUNDING OF MASSACHUSETTS BAY COLONY

The Senate proceeded to consider the joint resolution (H. J. Res. 306) establishing a commission for the participation of the United States in the observance of three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing

an appropriation to be utilized in connection with such observance, and for other purposes, which was read the third time and passed.

COOSA RIVER BRIDGE, GILBERTS FERRY, ALA.

The Senate proceeded to consider the bill (H. R. 10461) authorizing Royce Kershaw, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala., which was read the third time and passed.

MAUDE L. DUBORG

The Senate proceeded to consider the bill (H. R. 1509) for the relief of Maude L. Duborg, which was read the third time and passed.

THOMAS T. GRIMSLEY

The Senate proceeded to consider the bill (H. R. 1510) for the relief of Thomas T. Grimsley, which was read the third time and passed.

LIEUT. TIMOTHY J. MULCAHY

The Senate proceeded to consider the bill (H. R. 1696) for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, which was read the third time and passed.

THOMAS J. PARKER

The Senate proceeded to consider the bill (H. R. 6268) for the relief of Thomas J. Parker, which was read the third time and passed.

MYRTLE M. HITZING

The Senate proceeded to consider the bill (H. R. 6416) for the relief of Myrtle M. Hitzing, which was read the third time and passed.

EXCHANGE OF LANDS IN THE PHILIPPINE ISLANDS

The bill (S. 1603) to provide for the exchange of lands of the United States in the Philippine Islands for lands of the Philippine Government was considered. The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, to strike out the word "any" and insert the word "the"; on page 1, line 5, after the word "lands," to insert the words "and buildings known as Fort San Pedro and Warwick Barracks, Cebu"; in line 6, to strike out the words "or interest therein of the United States now held or hereafter acquired for military purposes," so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized, when in his opinion the public good demands it, to exchange the lands and buildings known as Fort San Pedro and Warwick Barracks, Cebu, in the Philippine Islands for lands or any interest therein now under the control of or hereinafter acquired by the government of the Philippine Islands of equal or less value than the lands or interest therein of the United States. The lands to be exchanged by the government of the Philippine Islands hereunder shall not include any lands or interest therein which are subject to reservation by the President of the United States. The President is hereby authorized to set apart for military purposes the lands or interest therein so acquired in exchange: *Provided*, That section 355 of the Revised Statutes (U. S. C., p. 1302, sec. 255), shall not apply to exchanges to be made hereunder.

SEC. 2. That the value of the lands or interests therein to be so exchanged shall be determined by a board of three appraisers, one to be appointed by the Governor General of the Philippine Islands, one to be appointed by the commanding general Philippine Department, and the third to be selected by the other two. The expense necessary to effect the appraisements herein authorized, when approved by the department commander of the Philippine Department, may be paid out of the current appropriations for contingencies of the Army.

SEC. 3. That any excess found to be due to the United States by reason of said values thus fixed shall be considered as a standing credit in favor of the United States to be offset and discharged by future transfers of lands by the government of the Philippine Islands to the United States from time to time, at the discretion of the President, exclusive of lands subject to reservation by the President of the United States and subject to appraisal as provided in section 2 of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LANDS IN MICHIGAN

The bill (S. 4683) to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan, was considered. The bill had been reported from the Committee on Military Affairs with amendments, in line 4, after the word "to," to insert the words "cause to be appraised and to"; in line 5, after the word "advisable," to insert the words "at not less than the appraised value"; in line 7, to strike out the words "to the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors and assigns"; on page 2, line 3, to strike out "such railroad company" and insert "the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co.," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause to be appraised and to sell upon such terms and conditions as he considers advisable, at not less than the appraised value, and to make proper deed of conveyance therefor all of the right, title, interest, and estate of the United States of America in and to the lands (or any part thereof, described in the instrument dated March 8, 1859, issued to the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co. under the provisions of the act entitled "An act granting the right of way over and depot grounds on the military reserve at Fort Gratiot, in the State of Michigan, for railroad purposes," approved February 8, 1859, as amended.

SEC. 2. That the proceeds of said sale shall be deposited in the Treasury to the credit of the fund known as the military post construction fund, after first paying the expenses of and incident to the sale.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATIONS OF SITES FOR PUBLIC BUILDINGS

The bill (H. R. 12343) to authorize the Secretary of the Treasury to accept donations of sites for public buildings was considered and was read.

Mr. BLAINE. Mr. President, the bill authorizes the Secretary of the Treasury to accept donations of sites for public buildings. I am curious to know what the language "and so forth" in line 5 embraces.

Mr. REED. Mr. President, the purpose of the introduction of the bill is to authorize the acceptance of a site for a post-office building where the offer will expire by its terms on the first of next month. I have no idea why the words "and so forth" were included or what they may mean. I have an idea, if we strike them out, that the House will not object. I therefore move to amend the bill in line 5 by striking out the words "and so forth."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, strike out the words "and so forth," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury may, in his discretion, accept on behalf of the United States the donation of sites for public buildings in cases when allocation of funds have been or may hereafter be reported to Congress under the provisions of the public buildings act, approved May 25, 1926, and acts amendatory thereof, notwithstanding that specific authorization for the acquisition of sites in such cases may not yet have been made by Congress.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

APPLICATION OF PENSION LAWS TO COAST GUARD

The bill (H. R. 12099) to apply the pension laws to the Coast Guard was read, considered, ordered to a third reading, read the third time, and passed.

JOSEFA T. PHILIPS

The bill (H. R. 12586) granting an increase of pension to Josefa T. Philips was read, considered, ordered to a third reading, read the third time, and passed.

SULPHUR RIVER BRIDGE NEAR FORT LYNN, ARK.

The bill (H. R. 12663) granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas near Fort Lynn was read, considered, ordered to a third reading, read the third time, and passed.

ELIZABETH B. DAYTON

The bill (H. R. 2782) for the relief of Elizabeth B. Dayton was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Elizabeth B. Dayton, who contracted scarlet fever while in the performance of her duties as an employee of the United States Shipping Board.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN PANZA AND ROSE PANZA

The bill (H. R. 917) for the relief of John Panza and Rose Panza was considered. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$1,200" and insert "$1,055," so as to read:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,055, and that the said sum be paid to John Panza and Rose Panza, as just compensation and in full settlement and satisfaction of their damages and loss incurred and suffered by reason of the use and occupation of their building and land by the United States Government for hospital purposes.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF STATE OF NEW YORK

The bill (H. R. 47) for the relief of the State of New York was considered. The bill had been reported from the Committee on Claims with an amendment on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of New York the sum of $55,917.68, being the amount expended by the said State of New York for the construction of a delousing station on Hoffmans Island, New York Harbor, which was thereafter transferred to the Public Health Service.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 650) for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States was announced as next in order.

Mr. WALSH of Montana. I ask that the bill go over.

The PRESIDING OFFICER. On objection of the Senator from Montana, the bill goes over.

LAURIN GOSNEY

The bill (H. R. 2222) for the relief of Laurin Gosney was considered. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$3,000" and insert "$1,000," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Laurin Gosney to reimburse him for physical injury sustained due to the careless operation of a United States Army truck, Ross Field, Arcadia, Calif.: *Provided,* That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

J. A. MILLER

The Senate proceeded to consider the bill (H. R. 1739) for the relief of J. A. Miller, which was read the third time and passed.

J. N. LEWIS

The Senate proceeded to consider the bill (H. R. 6663) for the relief of J. N. Lewis, which was read the third time and passed.

JACOB S. STELOFF

The Senate proceeded to consider the bill (H. R. 1076) for the relief of Jacob S. Steloff, which was read the third time and passed.

PAUL A. HODAPP

The Senate proceeded to consider the bill (H. R. 2464) for the relief of Paul A. Hodapp, which was read the third time and passed.

MRS. FANOR FLORES AND PEDRO FLORES

The Senate proceeded to consider the bill (H. R. 7026) for the relief of Mrs. Fanor Flores and Pedro Flores, which was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 8723) for the relief of Rachel Levy was announced as next in order.

Mr. REED. I ask that the bill go over.

The PRESIDING OFFICER. Upon objection of the Senator from Pennsylvania, the bill will go over.

LIEUT. COL. CHARLES F. SARGENT

The Senate proceeded to consider the bill (H. R. 11493) to reimburse Lieut. Col. Charles F. Sargent, which was read the third time and passed.

COLUMBIA ARSENAL PROPERTY, TENNESSEE

The bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress, was considered. The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, to strike out "the" and to insert the word "The"; on page 2, line 3, to strike out the word "the" and insert the word "The"; and on page 3, line 14, to strike out the word "the" and insert the word "The," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell to and to make proper deed of conveyance to The Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to The Columbia Military Academy, of record in book No. 105, volume 4, page 495, in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed as follows:

"That the Secretary of War shall be a visitor to said school, and have and exercise full rights of visitation, and he shall have the right and authority, in his discretion, as the public interest requires, to prescribe the military curriculum of said school, and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War, or the terms of the act, he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States."

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres, more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall accept the bid of The Columbia Military Academy, a body corporate, to purchase the rights of the United States of America in and to said property hereinabove defined, said bid being for the sum of $10,000, and to be paid in cash.

SEC. 3. That the said sum of $10,000 shall be deposited in the Treasury to the fund known as the military post construction fund.

SEC. 4. Public Law No. 542, Seventieth Congress (H. R. 12479), is hereby repealed.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLIFFORD J. TURNER

The Senate proceeded to consider the bill (H. R. 11477) for the relief of Clifford J. Turner, which was ordered to a third reading and passed.

GEORGE B. MARX

The bill (S. 191) for the relief of George B. Marx was considered. The bill had been reported from the Committee on Claims with amendments.

Mr. REED. Mr. President, I would like some one to tell me why this case does not go to the Court of Claims. How can we liquidate damages on a breach of contract?

Mr. HOWELL. Mr. President, the trouble is that this is a settlement in full which was made with Marx in 1919. If it went to the Court of Claims, he could recover nothing. It is a rather remarkable case.

It seems that Marx entered into a contract in 1919 to construct 200 wire carts for the Air Service at about $1,080 per cart. There was no cancellation clause in his contract, but subsequently he was ordered to suspend construction and an accountant was sent to Marx's establishment for the purpose of determining what was really due Marx. He reported the sum to be $139,000. Upon the basis of the report the Government settled with Marx and he was paid and gave a release in full.

There were two representatives of the Government who dealt with Marx. They were both attorneys. Those two attorneys come in now and say they gave Marx to understand that this was not a settlement in full. Marx insists that it was not a settlement in full, although he states that he offered to take 80 per cent of the $139,000 and allow a reaudit to determine what should be due him, but that the Government representatives said no and refused to do that. Then he was paid the $139,000 and the attorneys who dealt with him now make affidavit to the effect that they gave him to understand that it was a partial settlement.

However, Marx is in the manufacturing business and has been in it for years. The establishment began business in 1859, as a matter of fact, and he undoubtedly was a business man of sufficient ability to understand what a complete release meant to the Government of the United States and he signed the release.

The War Department in 1929 reaudited the account and found that there was due Marx this additional amount, but the audit was necessarily from tally sheets and not from the material which had been inspected by the auditors sent there in 1919 and then gone over carefully. As a consequence the War Department recommends that the claim should not be allowed. The best evidence, as they claim, was the evidence available to the auditors who were there for two months in the establishment when the material, raw, partly finished and finished, was all there, and that was the evidence upon which the settlement was made.

But here is another remarkable fact: That auditor now makes an affidavit to the effect that he was sent there by the Government and told by Government officials that he should not find more than $70,000 due this man, and that they were German sympathizers. He states in his affidavit that he was so affected by prejudice as a result of those statements that he did not make a fair audit for this man. Those affidavits were made just recently, and Senators will realize, taking all together, the affidavits of these two attorneys, representing the Government, who were then captains in the Air Service, and the affidavit of this auditor, instead of clarifying the equities in this case simply embarrass one in arriving at a proper conclusion.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired. Is there objection to the further consideration of the bill?

Mr. REED. Mr. President, I notice the Senator from Nebraska has filed views of the minority in this case. I desire to ask him to say, in my time, whether he thinks this bill ought to be passed or not?

Mr. HOWELL. As a matter of policy, it has seemed to me the bill should not be passed; and I must say that, in view of these amazing affidavits, I wonder what are the equities in this case.

Mr. GEORGE. I notice that the author of this bill is not present, and I, therefore, object to its further consideration. Let it go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over. The clerk will state the next bill on the calendar.

JAMES WILLIAMSON

The bill (S. 4435) for the relief of James Williamson, and those claiming under or through him, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to James Williamson, in trust for those claiming under or through him, the patent of the United States for lots 5, 6, and 7, section 14; lots 7, 8, and 9, section 23; and lots 1, 2, and 3, section 24, all in township 30 south, range 38 east, Tallahassee meridian, Florida, without mineral reservation, the same to be in lieu of the patent which issued to James Williamson in trust for those claiming under or through him, on April 3, 1930, under the act of December 22, 1928, containing a reservation of coal and all other minerals.

PAYMENT OF CLAIM OF NORWEGIAN GOVERNMENT

The joint resolution (H. J. Res. 322) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Government of Norway, as an act of grace and without reference to the question of legal liability, an amount equal to 6½ per cent interest upon 58,480 kroner from February 24, 1920, to December 8, 1920, and upon 65,162.97 kroner from December 8, 1920, to July 13, 1925, the sums advanced by the Government of Norway in connection with the care by its representatives of American interests in Moscow, Russia, during the years 1918 and 1919, together with 6½ per cent interest on the unpaid interest from July 13, 1925, to the date of payment pursuant to this joint resolution, not to exceed in all $8,500; and the appropriation for the "Relief, protection, and transportation of American citizens in Europe," made by the act approved April 17, 1917, is hereby made available for the payment of the claim aforesaid.

SECOND DEFICIENCY APPROPRIATION BILL

The bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

HIGHWAY BETWEEN UNITED STATES, BRITISH COLUMBIA, AND ALASKA

The bill (S. 4708) to amend the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada," approved May 15, 1930, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada," approved May 15, 1930, be, and the same is hereby, amended by adding at the end thereof the following paragraph:

"The commissioners, without undertaking actual survey, shall, as near as they can, report on the feasibility of a highway from Fairbanks to Point Barrow on the Arctic coast or some other point at which the midnight sun is visible."

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF FLORIDA

The bill (H. R. 12842) to create an additional judge for the southern district of Florida was read, considered, ordered to a third reading, read the third time, and passed.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the consent of the Senate, to appoint an additional judge of the District Court of the United States for the Southern District of Florida, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for judges of said district.

SEC. 2. That this act shall take effect immediately.

ALICE HIPKINS

The Senate proceeded to consider the bill (H. R. 1063) for the relief of Alice Hipkins, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Alice Hipkins, widow of S. Otho Hipkins, late filter engineer, United States Public Health Service, at Perry Point, Md., who died as a result of chlorine-gas poisoning while in the performance of his duties.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MARTIN E. RILEY

The bill (H. R. 3238) for the relief of Martin E. Riley, which had been reported adversely from the Committee on Claims, was announced as next in order.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

MISSOURI RIVER BRIDGE AT OR NEAR POPLAR, MONT.

The Senate proceeded to consider the bill (S. 4671) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., which had been reported from the Committee on Commerce with an amendment, on page 2, after line 2, to insert a new section, as follows:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interest of navigation, at or near Poplar, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

FOX RIVER BRIDGE NORTH OF STOLPS ISLAND, ILL.

The bill (S. 4687) granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE AT OR NEAR POPLAR, MONT.

The bill (S. 4690) granting the consent of Congress to the State of Montana or the county of Roosevelt, or both of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont., was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana or the county of Roosevelt, or both of them to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Poplar, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

OHIO RIVER BRIDGE AT SISTERSVILLE, W. VA.

Mr. DALE. Mr. President, the passage of one more bridge bill will dispose of all such bills before the committee. I ask permission to report that bill from the Committee on Commerce, and I shall ask for its immediate consideration.

The PRESIDING OFFICER. In the absence of objection, the report will be received.

Mr. DALE. From the Committee on Commerce I report favorably with amendments the bill (S. 4665) extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va., and I submit a report (No. 1092) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent for the immediate consideration of the bill just reported. Is there objection?

By unanimous consent, the Senate proceeded to consider the bill.

The amendments of the Committee on Commerce were, in line 8, before the word "are," to insert "heretofore extended by an act of Congress approved March 2, 1929," and in the same line, after the word "hereby," to insert "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved February 20, 1928, to be built by the Sistersville Ohio River Bridge Co., its successors and assigns, across the Ohio River at or near Sistersville, Tyler County, W. Va., heretofore extended by an act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from February 20, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF DEPOSITS OF OIL OR GAS

The bill (S. 4657) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437), as amended, was announced as next in order.

Mr. GEORGE. Mr. President, on behalf of the senior Senator from New Mexico [Mr. BRATTON], who is necessarily detained from the Senate, I object to the consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. WALSH of Montana. Mr. President, I do not object to the bill going over, but it is of such an important character that I feel justified in saying a word or two with respect of it. The bill is of particular interest to Senators from the Western States, and notwithstanding the objection of the Senator from New Mexico, I trust that the bill will have consideration before the Senate shall conclude its business.

The bill contemplates effecting of what are known as unit or cooperative plans for the operation of properties which are leased under the provisions of the general leasing act of 1920. Its passage is particularly necessary at this time by reason of conditions existing in what is known as the Kettleman Hills, in the State of California, where the Government has very valuable interests leased under the act of 1920. The essential part of the act, as reported by the Senate committee, is as follows:

That for the purpose of more properly conserving the natural resources of any single oil or gas pool or field, permittees and lessees thereof and their representatives may unite with each other or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan of development or operation of said pool or field, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest, and the Secretary of the Interior is thereunto authorized in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, and royalty requirements of such leases, and to make such regulations with reference to such leases with like consent on the part of the lessee or lessees in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure the proper protection of such public interest.

That is to say, in a certain geological structure or oil-pool field the Government will have made certain leases, and it is desired to operate them all collectively. Under existing law the Secretary has no power to permit the Government of the United States to enter into any such joint plan of operation. The consequence is, Mr. President, that the Government in order to protect its rights is often required to put down what are called offset wells to meet the condition arising by reason of wells upon adjacent property. It is intended with the assent of the lessees to bring about an arrangement for joint operation of the field.

In the case of the Kettlemen field, production is now so great, there are so many wells now operating, that there is escaping into the air gas of incalculable value to the Government of the United States for which it gets no revenue whatever; it

is going off into the air simply because there is no market for it at all, this gas coming up with the oil that is produced from the wells in operation. The desire is to have some general agreement of all the owners within a certain field so as to preserve this natural resource for the benefit of all concerned.

The PRESIDING OFFICER. The bill has gone over under objection. The next bill on the calendar will be stated.

ASHLEY NATIONAL FOREST, WYO.

The Senate proceeded to consider the bill (S. 4149) to add certain lands to the Ashley National Forest in the State of Wyoming, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 9, after the word "township," to strike out "13" and insert "12," and in line 10, after the word "range," to strike out "114" and insert "116," so as to make the bill read:

Be it enacted etc., That subject to existing valid claims the following-described lands be, and the same are hereby, added to the Ashley National Forest in the State of Wyoming, and made subject to all laws applicable to the national forests:

West half east half, west half section 4; sections 5 and 6 and that part of sections 7 and 8 not within the Ashley National Forest; west half east half, west half and lots 6, 7, and 8, section 9; west half northeast quarter and west half section 16, all in township 12 north, range 114 west, sixth principal meridian.

Sections 1 to 10, inclusive; that part of sections 11 and 12 not within the existing Ashley National Forest; sections 15 to 21, inclusive; fractional sections 28, 29, and 30, all in township 12 north, range 115 west, sixth principal meridian.

Sections 1 to 29, inclusive, all in township 12 north, range 116 west, sixth principal meridian.

Sections 30, 31, and 32; west half, west half east half section 33, all in township 13 north, range 114 west, sixth principal meridian.

East half east half, west half southeast quarter, east half southwest quarter, southwest quarter southwest quarter section 25; south half southeast quarter section 26; sections 31, 35, and 36; west half, southwest quarter northeast quarter, southeast quarter section 32; south half section 33; southwest quarter, east half northwest quarter, east half section 34, all in township 13 north, range 115 west, sixth principal meridian.

South half south half section 30; sections 31 and 36; south half, south half north half, northwest quarter northeast quarter, north half northwest quarter section 32; east half, south half southwest quarter, northeast quarter southwest quarter, southeast quarter northwest quarter section 35, all in township 13 north, range 116 west, sixth principal meridian.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN RESERVATIONS AND UNALLOTTED INDIAN TRIBAL LANDS

The Senate proceeded to consider the resolution (S. Res. 282) relative to Federal aid to States wherein are located Indian lands not subject to State taxation, which had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 11, after the word "exceed," to insert "$5,000," so as to make the resolution read:

Resolved, That the Committee on Indian Affairs, or any duly authorized subcommittee thereof, is authorized to make an investigation of the relationship between the Federal Government and the governments of the several States and political subdivisions thereof in which there are located Indian reservations or unallotted Indian tribal lands, or any other Indian lands which are not subject to taxation by such States or political subdivisions, with a view to developing a plan by which the United States may make a fair and equitable contribution toward the expenses of carrying on governmental activities in said States and political subdivisions.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, or, if any subcommittee is authorized to act in the premises, then by the chairman of such subcommittee.

The amendment was agreed to.

The resolution as amended was agreed to.

PHILIP R. ROBY

The Senate proceeded to consider the bill (S. 1214) granting compensation to Philip R. Roby, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 210 of the World War veterans' act, 1924, as amended, the Director of the United States Veterans' Bureau is authorized and directed to pay to Philip R. Roby, formerly a private, Sanitary Detachment, First Regiment New Hampshire Infantry, National Guard, compensation in the amount provided for by such act (1) for total and temporary disability from September 26, 1917, to April 2, 1925, inclusive, and (2) for partial and permanent disability in accordance with his disability rating from April 3, 1925, to July 12, 1927, inclusive. Payment of such amounts shall be made within two months from the date of approval of this act, and shall be in addition to any compensation said Philip R. Roby may be entitled to under the World War veterans' act, 1924, as amended.

Mr. REED. Mr. President, I should like to ask the Senator from Massachusetts [Mr. WALSH] to give us a word of explanation about the bill. As I understand, it corrects an error which was made by the mustering-out officers. Through no fault whatever of the soldier, they gave him a blue discharge when they should have given him a white one. That I understand; but will the Senator explain to us why at the conclusion of the bill, on page 2, it is stated that the compensation provided for on page 1—

Shall be in addition to any compensation said Philip R. Roby may be entitled to under the World War veterans' act, 1924, as amended.

Mr. WALSH of Massachusetts. The veteran is already drawing compensation; he has been drawing compensation since the change was made in his discharge certificate. The purpose of that clause is not to have any claim he may have prejudiced by the payments to him of the money he has received since he was discharged. I will say to the Senator the bill was drafted by the legal department of the Veterans' Bureau and met their approval.

Mr. REED. It seems to me, then, that there ought to be inserted on page 2, line 3, after the word "compensation," the words "for other periods of time." The bill provides for compensation for two stated periods that run in all from 1917 to 1927, and it fixes his compensation for those 10 years. There ought not to be any duplication of compensation for that period.

Mr. WALSH of Massachusetts. If the Senator thinks his amendment may clarify the bill, I will be glad to accept it.

Mr. REED. If the Senator is willing to accept it, I think it would make it clearer.

Mr. WALSH of Massachusetts. I will accept the amendment, but, as I have said, the bill was drafted by the Veterans' Bureau.

The VICE PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be stated.

The CHIEF CLERK. On page 2, line 3, after the word "compensation," it is proposed to insert the words "or other periods of time."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

SALARY OF COMMISSIONER OF CUSTOMS

Mr. SMOOT. Mr. President, I understand that the consideration of bills on the calendar has been completed.

The VICE PRESIDENT. The consideration of the calendar has been completed.

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment the bill (S. 4735) to increase the salary of the Commissioner of Customs and I ask unanimous consent for its immediate consideration. I have received a letter from the Treasury Department asking that the bill be passed.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioner of Customs shall receive a salary at the rate of $10,000 per annum, effective on and after the date of the enactment of this act.

GOVERNMENT BUILDING SITE AT WEST POINT, GA., AND LANETT, ALA.

Mr. SWANSON. From the Committee on Public Buildings and Grounds, I report back favorably without amendment the bill (H. R. 11515) to provide for the sale of a Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and

construction of Government buildings thereon in such cities. I call the attention of the Senator from Georgia [Mr. HARRIS] to the bill.

Mr. HARRIS. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to dispose of the present Federal-building site located on the State line dividing West Point, Ga., and Lanett, Ala., acquired under the act of March 4, 1913 (37 Stat. 873), in such manner and upon such terms as he may deem for the best interests of the United States, and to convey such site to the purchaser thereof by the usual quit-claim deed; and to acquire in lieu thereof by purchase, condemnation, or otherwise, a new site located in West Point, Ga., and to construct a Federal building thereon; the proceeds of the sale of the site now located on the State line dividing West Point, Ga., and Lanett, Ala., and the appropriations heretofore made therefor, be, and the same are hereby, reappropriated and made available for the acquisition of the site and commencement of the building to be located in West Point, Ga. The Secretary of the Treasury is authorized, when the postal receipts at the city of Lanett, Ala., have reached the sum of $10,000 annually, to acquire by purchase, condemnation, or otherwise a site in such city and to construct a United States post office thereon.

NATURALIZATION OF CERTAIN ALIENS

Mr. WALSH of Massachusetts. Mr. President, I ask the attention of the Senator from Pennsylvania [Mr. REED]. On yesterday I objected to the consideration of Order of Business No. 949, House bill 5627. The bill is one relating to the naturalization of certain aliens. I asked that it go over for the purpose of having an opportunity to study the matter. I have no objection to the bill, and I ask unanimous consent for its immediate consideration.

Mr. REED. I thank the Senator.

The VICE PRESIDENT. Let the bill be read.

The Chief Clerk read the bill (H. R. 5627) relating to the naturalization of certain aliens; and, there being no objection, the Senate proceeded to its consideration.

The bill had been reported from the Committee on Immigration with an amendment, on page 1, line 7, after the word "such," to insert "withdrawal (and the application therefor) and," so as to make the bill read:

Be it enacted, etc., That notwithstanding any provision of law to the contrary, no alien shall be debarred from becoming a citizen of the United States on the ground that he withdrew his intention to become a citizen of the United States in order to secure discharge from the military service, if such withdrawal (and the application therefor) and discharge took place after November 11, 1918.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INVESTIGATION OF SHIPPING BOARD

Mr. McKELLAR. Mr. President, I move that the Senate proceed to the consideration of the motion to reconsider Senate Resolution No. 129, and I call the attention of the Senator from New York [Mr. COPELAND] to it. It is the resolution which the Senator from New York has moved to reconsider—a resolution that was passed by the Senate for an investigation of the Shipping Board.

Mr. McNARY. Mr. President, a parliamentary inquiry. Is a motion of that sort in order?

The VICE PRESIDENT. The motion is in order up to 2 o'clock.

Mr. McNARY. Will the Senator yield?

The VICE PRESIDENT. The motion is not debatable.

Mr. McKELLAR. I move that consideration.

Mr. COPELAND. Mr. President, will the Senator withhold his motion for a moment?

The VICE PRESIDENT. The question is not debatable.

Mr. McKELLAR. I can not do that. It has been done so often that I must ask for consideration at this time.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee to proceed to the consideration of the motion to reconsider.

The motion was agreed to.

The VICE PRESIDENT. The question now is on the motion to reconsider.

Mr. COPELAND. Mr. President, the Senator from Tennessee wants an investigation of the Shipping Board. Has he read the volumes representing the investigation of the Shipping Board only five years ago? If not, if he will do me the honor to gaze upon this monument, he will see what he has in mind—the building of another monument of paper and leather.

That was an investigation of the Shipping Board made by a committee of the Congress and submitted to the Congress five years ago. It cost the Government of the United States $250,000 to make that investigation, and I venture to say there are not four Members of the Senate who ever looked inside the cover of a single one of those volumes.

The Senator from Tennessee might find, I think, a more delightful way to spend a summer than to spend it in Washington investigating a subject which has been investigated so much that it is worn to tatters.

If the Senator has in mind the destruction of the American merchant marine, if that is his ambition, I shall be in position to congratulate him if the various amendments he has offered to the pending merchant marine bill shall be adopted; and if this investigation is resorted to, no doubt the Senator from Tennessee will come back in the fall armed with enough material so that he can make a further attack upon the merchant marine, and, perhaps, entirely sweep from the seven seas the flag now floating over American ships.

May I say to my colleagues that I have to talk until 2 o'clock. If they have other errands, if they desire to go to lunch, if they want to take a little sunshine and fresh air, I advise them to go now and have a happy time for 20 minutes. At 2 o'clock—am I right, Mr. President?—another matter will come before the Senate?

The VICE PRESIDENT. At 2 o'clock the unfinished business will be laid before the Senate.

Mr. COPELAND. Under the rules the unfinished business will be laid before the Senate at that time, and this resolution will go back to the calendar. So it is not for 20 minutes but only for 19 minutes that I have to fill in the time; and I am sorry that I feel obliged to do it.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield for a question.

Mr. TYDINGS. I suggest that the time be filled in by starting with volume 1 of the former investigation and reading that.

Mr. COPELAND. No; I have something more important than that to read as soon as the package I have sent for comes from my office—something which, I think, will be more beneficial in throwing light upon the necessities of the American merchant marine than the perusal of those useless, dust-covered volumes which have come from the archives of the Government and which came to me so thick with dust that it took several days to clean them and make them usable.

Mr. President, here are 12 volumes. There is 1 missing. The number is 13. Oh, yes; here it is. I missed this thin volume. I knew it was an unlucky number—13. Here are 13 volumes filled with the testimony of a lot of harassed employees of the Shipping Board, distracted, taken from their ordinary duties, and forced to testify to a lot of stuff in order that there might be brought into existence 13 bound volumes of investigation of the Shipping Board.

I hope the Senator from Tennessee will honor me by his presence while I discuss this subject.

Mr. McKELLAR. Mr. President, while the Senator is filibustering I hope he will excuse me for a minute to see some newspaper men who want to talk to me.

Mr. COPELAND. Very well; I will excuse the Senator, because I am going to filibuster for 17 minutes more.

I am removing 12 volumes in order that I may get to volume 1. Subject: "To amend the American merchant marine act of 1920." These are the hearings before the Select Committee to inquire into the operation, policies, and affairs of the United States Shipping Board and the United States Emergency Fleet Corporation. This was an investigation by a committee of the House of Representatives. I assume that my genial friend from Tennessee, who is sometimes right, is angry because the Senate has not made an investigation at a cost of a quarter of a million dollars. All this agitation of the Senator is founded on a report made by the Comptroller General.

This is a letter from the Comptroller General of the United States transmitting a report of the Comptroller General of the United States of the financial transactions of the United States Shipping Board, Merchant Fleet Corporation, dealing with matters arising in the audit of the accounts of the Merchant Fleet Corporation, made pursuant to the act of March 20, 1922, 42 Statutes, 444, as amended. This was presented to the Senate on October 3, referred to the Committee on Expenditures in the Executive Departments, and ordered to be printed.

To my mind, this is the most amazing report I ever read, and, Mr. President, it will be seen from the annotations and refer-

ences which I have in this report that I have really studied it. It is the most amazing report I ever read, I repeat. I never had a word of conversation in my life, so far as I know, with the Comptroller General; I am not sure that I ever saw him, but I venture to say that he never read that report personally. The report was prepared by a committee of his department, I presume, and I can trace from that report to these volumes on my desk almost everything that is said in the report. The investigation of which that Washington Monument of books is the record is refutation of practically every criticism expressed by the Comptroller General in this amazing report.

Mr. President, this report of the Comptroller General covers 49 closely printed pages. It can be readily seen that if I were actually filibustering, it would be necessary only for me to read the report, but since I am trying in these minutes which I am forced to take to present something of material interest to the Senate, I intend, so far as the limited time will permit, to make a review of this report.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. As that report severely criticizes the Shipping Board, as that report calls particular attention to its violations of law, as everybody knows Mr. McCarl, the author of that report, is Comptroller General of the United States, and bears the reputation of being one of the best officials in the United States, one of the most conscientious men we have in the Government service, with the Shipping Board itself saying, as I understand each and every member of the Shipping Board has said, that they desire an investigation shall be made, why is it that the Senator is so much opposed to it?

Mr. COPELAND. Mr. President, the Senator labors under the disadvantage of having been away from the Chamber when I answered all the questions he has now asked. But before repeating what I said, I desire to state that I indorse the statement regarding Mr. McCarl. Without having seen him, or without knowing him, I have been much impressed by his activities and public service. But I said, and I repeat, that I do not believe the Comptroller General ever read this report before it went into print, if he ever has since. The Comptroller General is too sensible a man and too well informed a man to indulge in a lot of ancient history in making up a report. He is not given to that sort of thing.

Mr. McKELLAR. Mr. President, will the Senator yield further?

Mr. COPELAND. I yield.

Mr. McKELLAR. If the Senator finds that he is mistaken about that, and if the Comptroller General should write a letter in which he said that he collaborated in the making of that report, and knows everything it contains, and stands by every charge it makes, would the Senator be willing to withdraw his opposition to the proposed investigation?

Mr. COPELAND. No; I would not, and frankly, if he should do what the Senator has suggested, I would think less of him than I do now. I realize that in a great office like that of the Comptroller General, he must trust to subordinates for the assembling of material, and subordinates have a way, just as Senators have—they are not any different from Senators in that respect—of taking up rusty volumes and gathering material which they could rewrite and put into new form.

Mr. McKELLAR rose.

Mr. COPELAND. Before the Senator interrupts me let me say that there is not a thing in this report which has not been considered and hashed over, and all the facts are to be found in this series of 13 volumes on my desk. All the material is there. It has all been paid for once by the Government. One committee has sweat blood over it, and now the Senator is willing to spend his entire summer away from the heat of Tennessee in the greater heat of Washington to have another investigation.

Mr. McKELLAR. Mr. President, that is not what hurts the Senator. What hurts the Senator is this, that this resolution, instead of requiring the committee to go back into all this matter, has nothing to do with what has already been reported upon, but most largely it is for an investigation of the mail contracts brought about by the Shipping Board since everyone of these reports was made. Does the Senator feel that these mail contracts, made as they have been made, as has been charged on the floor time and time again, should not be investigated?

Mr. WALSH of Massachusetts. Mr. President——

Mr. COPELAND. Mr. President, to answer categorically, I will say "yes," and then I am going to say why I say "yes."

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. WALSH of Massachusetts. Does the Senator from New York claim that the subject matter to be investigated under the resolution offered by the Senator from Tennessee has already been investigated into?

Mr. COPELAND. Everything in the world the Senator wants investigated has been investigated, and when he speaks of this more recent thing—this post-Volstead business—that is so fresh in the mind of every Senator here who participated in the enactment of the legislation that that sort of investigation is absurd beyond words.

Mr. WALSH of Massachusetts. I am surprised that the Senator from Tennessee would be asking for a reinvestigation.

Mr. McKELLAR. Mr. President, no wonder the Senator from Massachusetts does me the courtesy to say that he would be surprised if that were what I was after. I am not after that at all. If the Senator from New York will permit me to say so, I simply seek to investigate the charges of wrong and fraud which have been made in reference to these mail contracts, everyone of which has come up since these reports were made. I simply seek to investigate charges of fraud and wrong made by the Comptroller General of the United States since everyone of these investigations was made. Of course, I can not be misrepresented. I am sure the Senator from Massachusetts knows and the Senate knows that that is what I am asking for in this matter.

Mr. WALSH of Massachusetts. Why does not the Senator limit his resolution to that?

Mr. McKELLAR. It is limited to those things.

Mr. COPELAND. Mr. President, I wish to be included in the sweeping compliment of the Senator.

Mr. McKELLAR. I will include the Senator in any compliment I might make.

Mr. COPELAND. I am very much obliged to the Senator. There is no question at all that the Senator from Tennessee is seeking to break down and destroy our mail subvention law. I am interested in the American merchant marine. I had a good tutor, namely, the senior Senator from Washington [Mr. JONES]. When I first came to the Senate, eight years ago, I was assigned to the Committee on Commerce. I had crossed the ocean many times in my life, and lived in the great seaport, New York, but I had no occasion to know about shipping in the technical sense. I came into the Senate, and I recall a speech made years ago by the Senator from Washington, in which he pointed out that when the Great War came on we had 15 ships in transoceanic traffic, and that was all we had.

Mr. President, except for the kindly act of Providence in placing in our harbors the German ships which we seized, including the *Leviathan*, we would have had no way of taking our soldiers across the ocean to carry our flag in the Great War. The Senator from Washington will correct me if I am wrong in saying that the *Leviathan* carried 275,000 troops. Is that right?

Mr. JONES. That is correct.

Mr. COPELAND. Two hundred and seventy-five thousand troops of the A. E. F., the American Expeditionary Forces, were taken over there not by a ship built in American shipyards, a ship manned by American citizens, but a German ship. It was by the kindly act of Providence that we had that ship and those other German ships in order that we might carry on the war.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. Everything else aside, is not the Senator willing to submit his motion to the judgment of the Senate by a vote? I am perfectly willing to have a yea-and-nay vote on the matter. Is not the Senator willing to submit it to a vote of his colleagues?

Mr. COPELAND. Mr. President, of course the time is so short that we could not have a roll call and get Senators here by 2 o'clock; but even if we could, I would be unwilling to have the American merchant marine hamstrung until the Senate of the United States was informed regarding the effect of the Senator's proposal and what he has in mind. If, then, after the Senate is fully informed, it decides it does not want an American merchant marine, very well. The way to make sure that we shall have no American merchant marine is to pass all the amendments and proposals of the Senator from Tennessee. When that is accomplished the American merchant marine will be in Davy Jones's locker; it will be destroyed.

Mr. McKELLAR. Mr. President, if the Senator will yield, inasmuch as the amendment I have proposed applies solely to the United States not subsidizing foreign ships, not interfering in the slightest with the United States subsidizing American ships, how is it that the Senator can make any such argument?

Mr. COPELAND. Let me see if I can educate the Senator from Tennessee.

Mr. McKELLAR. If the Senator is going to try to educate me in favor of the United States subsidizing foreign ships, flying foreign flags, he will have a hard time. I am just as much for an American merchant marine as the Senator from New York is. I think I can assert that I am infinitely stronger for an Ameri-

can merchant marine than is the Senator from New York. But I want to say to him that as long as I am a Senator in this body I shall never vote to subsidize foreign ships, flying foreign flags, against American ships flying the American flag, as the Senator proposes to do.

Mr. COPELAND. Nobody in the world proposes anything of the kind.

Mr. McKELLAR. Then, why does the Senator object to the amendment I have offered?

Mr. COPELAND. If the Senator will sit down and not take my valuable time, which is now limited——

Mr. McKELLAR. The Senator was just filibustering, and so why not have the facts come out?

The VICE PRESIDENT. The Senator from New York has the right to yield only for a question.

Mr. COPELAND. I thank the Chair.

The reason why I want the mail subvention and the liberal loan is so that Americans who own lines of ships may be able to build American ships in American shipyards and get rid of the foreign-built bottoms which they are forced to use because there are not yet enough American-built ships to carry their merchandise.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. Only for a question.

Mr. McKELLAR. I think the Senator misstates the position I have taken about it, so I want to correct it.

Mr. COPELAND. I will ask the Senator to do that in his own time.

Mr. McKELLAR. Very well.

Mr. COPELAND. If we desire to build up an American merchant marine to open all the American shipyards, to keep those shipyards operating, to keep American labor in the shipyards at work, and to put the American flag on the seven seas to carry our mail and our merchandise to every part of the world, we must assist our American merchant marine as foreign governments have assisted theirs. It is not because of any greater genius on the part of the business men in England or France or Italy or Holland that they are succeeding with their merchant marine, but because their kindly governments, recognizing the necessity for an effective merchant marine, have been pleased to make the various helpful appropriations.

If the Senator from Tennessee is successful in his efforts to wipe out the mail subventions and wipe out the lines which now, in part, are operating foreign ships, he will send us back to the condition in which we were before the war; and when those ships wear out and another war comes, if it ever does come, which God forbid, we will then have only a dozen or 15 ships, because without this support we can not have an effective merchant marine.

Mr. President, I apologize for taking so much of the time of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia;

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate-credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18;

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell;

H. R. 10826. An act to provide for the renewal of passports;

H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930; and

H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries.

AMENDMENT OF SECTION 355 OF THE REVISED STATUTES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3068) to amend section 355 of the Revised Statutes, which were, on page 2, line 21, to strike out all after the word "title," where it occurs the first time, down to and including the word "require" in line 22 and insert: "of a title company," and to amend the title so as to read: "An act to amend section 355 of the Revised Statutes to permit the Attorney General to accept certificates of title in the purchase of land by the United States in certain cases."

Mr. NORRIS. I move that the Senate agree to the amendments of the House.

The motion was agreed to.

JAMES R. SHEFFIELD

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3623) for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City, which was on page 1, line 6, after the word "City," to strike out "for" and insert "and in full payment of all."

Mr. WALCOTT. I move that the Senate concur in the House amendment.

The motion was agreed to.

SILVER SERVICE OF CRUISER "NEW ORLEANS"

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 525) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans*, which were on page 1, line 4, to strike out "deliver to the custody of" and insert "loan to," and to amend the title so as to read: An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans*."

Mr. BROUSSARD. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

MOTOR-BUS TRANSPORTATION—ORDER OF BUSINESS

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. JONES. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside in order that we may proceed to the consideration of the deficiency appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr COUZENS. Mr. President, I can not answer that because I first want to know what the program is with respect to the deficiency appropriation bill.

Mr. JONES. I shall be glad to tell the Senator what the program is. As the Senator knows, a motion for cloture was filed on yesterday. I appreciate that under that motion if we were to proceed with other amendments to the deficiency bill the two Senators from Arizona probably would not have an opportunity to talk about the proposition in which they are interested until after 1 o'clock to-morrow. Then if the motion for cloture should be adopted they would have but one hour each to discuss the matter.

I have conferred with them. I know that they are very much interested in the Boulder Dam question, as they have a right to be. I myself think they should have more time than

the motion for cloture would allow them if adopted. I have conferred with them, and we have, so far as we are concerned, among ourselves agreed that if each of the Senators from Arizona had two hours for discussion they would think that was ample for them to make their position perfectly clear. Other Senators might want some time.

Therefore, Mr. President, if the unfinished business should be laid aside, if we were to go on this afternoon with the deficiency appropriation bill, we would probably start in with one of the two committee amendments that is still left for consideration, which would take considerable time. If the Senators from Arizona should decide to discuss their proposition, it would be in connection with a matter that is not pertinent at all. So I want to ask for an agreement something like this: That the Senate shall proceed to the consideration of the deficiency bill; that at not later than 3 o'clock to-morrow the Senate shall proceed to vote upon any amendment pending to the Boulder Canyon project item in the bill; that during the intervening time each of the Senators from Arizona shall have two hours for discussion, if they desire to use it; that any other Senator who may desire to address the Senate shall have not longer than 20 minutes; that we may vote at any time before 3 o'clock, if the Senators from Arizona should not desire to use their two hours, but that in any event we shall vote at not later than 3 o'clock to-morrow upon any amendment proposed or pending to the Boulder Dam project paragraph.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I yield.

Mr. COUZENS. The discussion desired to be had by the Senators from Arizona can be had while the bus bill is still before the Senate as the unfinished business. In view of the threats of a filibuster and attempts to defeat the bus bill, and knowing the public importance of it, I feel justified in insisting that the bus bill remain before the Senate until it is disposed of. Obviously while the bill is before the Senate we can speak on any subject and talk about anything a Senator may choose to discuss; but in view of the attempt to filibuster against the bus bill, which is of great public importance and which has been agitated for five years past, I am going to insist that the bus bill remain the unfinished business of the Senate so long as I am able to insist upon it.

Mr. JONES. Let me say to the Senator that I do not desire that anything should take its place as the unfinished business. Of course, we all know the Senators from Arizona or any other Senator could talk upon any subject they might desire while the bus bill is before the Senate. But the Senators from Arizona are interested in a particular provision of the deficiency bill. They would like and would expect to confine their discussion to that provision. They would like to have the opportunity to talk on it while it is before the Senate. I do not know of any disposition to filibuster on the bus bill and I do not want to displace the bus bill as the unfinished business. I would like to have it temporarily laid aside for this purpose.

Mr. COUZENS. What object is gained by having it temporarily laid aside when the Senators from Arizona can go on and make their speeches no matter what is before the Senate? I do not see the purpose of having the bus bill laid aside for the purpose of enabling the Senators to make speeches.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. I yield.

Mr. PITTMAN. I can not agree with the Senator from Michigan at all. The Senators from Arizona have now on the table amendments to the deficiency bill. They are going to discuss their own amendments. It is almost an absurd proposition to discuss an amendment to a bill that is not before the Senate. The pending proposal is not an absurd proposition. It is a serious matter. The Senators from Arizona, having presented their amendments which are printed and which they desire to discuss and upon which they desire a vote, will not feel like going into an academic discussion of something that is not before the Senate. I think the Senator from Michigan ought to carry out the general policy to which this body has agreed and that is that when appropriation bills come in here they shall have the right of way.

Mr. COUZENS. The deficiency appropriation bill has no right of way and is of no more importance than the regulation of busses in interstate commerce. So far as I am concerned, I am going to stand firm until the Senate directs otherwise, and I am going to try to keep the bus bill before the Senate.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. JOHNSON. I recognize the importance of the bill in charge of the Senator from Michigan. I am deeply interested in it—quite deeply interested, I think, generally speaking, from his standpoint. I want to see it acted upon at this session by the Senate. But, if the Senator will pardon me, we will gain no time in respect to it by having it kept the unfinished business and precluding a vote upon an important amendment to the deficiency appropriation bill to-morrow at 3 o'clock. We will get out of the way of the Senator's bus bill at 3 o'clock to-morrow, practically, and thus enable him to go forward.

Mr. COUZENS. What is the objection to getting the bus bill out of the way by 3 o'clock to-morrow? I see no reason for putting this important national legislation aside for a piece of local legislation.

Mr. JOHNSON. Oh, no; it is the deficiency appropriation bill that takes precedence of any other bill.

Mr. COUZENS. I understand it does not take precedence after 2 o'clock.

Mr. JOHNSON. I think the generally accepted policy is that appropriation bills take precedence.

Mr. COUZENS. I would like to have a ruling on it. Of course, if I am overruled I will be overruled; but I am standing firm as to the disposition of the bus bill.

Mr. JOHNSON. It is not a question of overruling the Senator from Michigan. No one wants to overrule the Senator. We are simply endeavoring to convince him that his attitude in respect of the matter gains nothing either for the bus bill, in which I am equally interested with him, or for the deficiency appropriation bill, in which I am equally interested as well.

Mr. COUZENS. But the Senator must see that if the deficiency bill is permitted to be gotten out of the way before the bus bill is disposed of, and then there is final adjournment, the bus bill will be left hanging in the air. I do not propose to be placed in that position. If there is anything to be left hanging in the air, let the deficiency bill be left hanging there, or let the Senate remain in session until it is disposed of.

Mr. JOHNSON. Is there any disposition on the part of the Senator to leave either hanging in the air?

Mr. COUZENS. No.

Mr. JOHNSON. Nor is there with me. Here is the situation. There is a God-given instrument which has come down to us called the London treaty. Under all hazards that sanctified instrument must be passed upon in the summer heat, and under all circumstances this body is required to be here in order that it may pass upon that instrument. For the love of heaven, have we not manhood enough to pass upon our own legislation before we accept our orders to sweat here upon this sacrosanct document that comes from London? I hope the Senator from Michigan will join with me in an endeavor to have the Senate pass upon its legitimate legislation—his bill, the deficiency appropriation bill, the veterans' bill, any other measure that comes before us legitimately and upon which we ought to pass. When we have passed upon them then we will determine what else we shall do. Let us have the independence and the manhood for ourselves to determine then whether we are going forward in a special session with anything else or with anything with which we are ordered to go forward.

Mr. COUZENS. Mr. President, will the Senator from Washington yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I yield.

Mr. COUZENS. I want to say that I will join with the Senator from California in forming any compact to remain here until we dispose of the bus bill, the veterans' bill, the Muscle Shoals bill, and the deficiency bill. What I am resenting is an effort to put aside the bus bill because some Senators have more interest in the deficiency appropriation bill than they have in the bus bill. I am not charging any individual Senator nor am I charging the Senator from California because I know he is willing to stay here until we dispose of all legislation. But I resent the movement on the part of some Senators who want to defeat the bus bill, aiding in putting the deficiency bill ahead of it so that it may be passed and then, if in some moment of snap judgment we shall adjourn, the bus bill would be left undisposed of.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. I yield.

Mr. PITTMAN. The bus bill was taken up by the Senate because the Senator from Michigan, chairman of the Interstate Commerce Committee, requested the majority committee on order of business to place it on its program. Is not that true?

Mr. COUZENS. I did not catch the question of the Senator.

Mr. PITTMAN. Mr. President, I say there is a majority committee of the Senate called the committee on order of business. The Senator from Michigan urged upon that committee on order of business to place House bill 10288, to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways on the order of business. Is not that so?

Mr. COUZENS. Undoubtedly.

Mr. PITTMAN. Yes. And the reason the Senate voted to take up that bill when it did so was because it was in conformity with the program of order of business that was arranged by the committee of the Senator's party.

Mr. COUZENS. I should like to ask the Senator to what date he is referring, because there was no order of business published after the measure referred to was placed on the program, and then taken off and sent back to the committee for further consideration?

Mr. PITTMAN. Yes; but what I have said is true.

Mr. COUZENS. But it is irrelevant.

Mr. PITTMAN. I will show how relevant it is.

The motor-bus bill was placed on the order of business by the committee on order of business at the request of the Senator from Michigan, who is chairman of the Committee on Commerce. He recognized the authority of that committee; he recognized the policy of having that committee fix an order of business. There were numerous other Senators who had other bills which they wanted placed on the program of order of business, but they did not succeed in getting them placed there. But recognizing the conditions, submitting to that policy, and acquiescing in the jurisdiction of the committee, the Senator had the bus bill placed upon the order of business, subject to this condition, which is a part of the order of that committee.

It should be understood that appropriation bills, executive sessions, and the unanimous-consent agreement whereby S. 3059 and S. 3061 relative to unemployment, were made special orders for April 15, 1930, shall have the right of way.

Not only has it been the policy ever since I have been here to give appropriation bills the right of way, because the Government can not run without the funds thus provided, but the Senator himself appealed to the committee on order of business, recognized its jurisdiction, secured its approval and consent, and now, since he has obtained that, he is opposing the very conditions upon which he obtained it, and on which the Senate took up his bill for consideration.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. The Senator from Washington [Mr. JONES] has the floor. Does he yield to the Senator from Oregon?

Mr. JONES. I yield.

Mr. McNARY. The statement of the Senator from Nevada is not quite correct.

Mr. COUZENS. Certainly it is not.

Mr. McNARY. The committee on the order of business, at the request of the Senator from Michigan, placed the bus bill on the program, but the Senator from Michigan had nothing to do with the condition as to giving way whenever appropriation bills came before the Senate. That condition was placed there by the committee on order of business itself, and is not a part of the agreement by which the bus bill was placed on the program.

Mr. PITTMAN. I understand, then, the Senator from Oregon does not approve of giving appropriation bills the right of way? Is that true?

Mr. McNARY. I am not discussing that feature.

Mr. PITTMAN. I should like to know whether the Senator does or does not approve of giving appropriation bills the right of way?

Mr. McNARY. The Senator charged, as I understood, that the Senator from Michigan, as a part of the consideration for getting his bill on the program, agreed to give way for appropriation bills. I said that the Senator from Michigan had nothing to do with that condition; he simply asked the committee and asked the Senator from Oregon if it would be all right for his bill to go on the program, and the committee said, yes. The words the Senator from Nevada has quoted are not those of the Senator from Michigan, but are the language of the committee on order of business.

Mr. PITTMAN. I am surprised at the subterfuge to which the Senator from Oregon resorts, as he is generally so frank.

Here is a committee of the Republican majority, which represents his party, and is generally followed, called the committee on order of business. Its program is followed because there is a majority back of it, and because it has been trusted to arrange the program. Now, whether the Senator from Michigan entered into a solemn agreement with the committee that he would follow the policy of the committee or not, is totally immaterial. There is not any doubt, even in the mind of the Senator from Oregon, that the Senator from Michigan knew it was the policy of the committee to place bills on the program subject to the priority of appropriation bills. Is there any doubt about that?

Mr. McNARY. It has been the policy and custom, of course, when ordinary conditions obtain, to lay aside the unfinished business in order that the consideration of appropriation bills may be proceeded with; that is true; we all understand that; and that is the reason the language was employed by the committee on order of business to which the Senator has called attention.

The Senator from Michigan now makes the statement that if he permits the unfinished business to be temporarily laid aside for the purpose of allowing a bill affecting the World War veterans to be passed, and appropriation bills to be passed, Congress will adjourn, and he will have no opportunity of getting a decision on his bus bill. He contends that if he keeps the bus bill before the Senate, ultimately he will get some decision on his bill; that it will either be voted up or voted down; and all he is asking for is a vote on his bill. That is, as I understand, the proposal he makes.

Mr. PITTMAN. Undoubtedly; and that is my view with regard to a bill in which I am particularly interested, and that is the view of all Senators here with regard to particular bills in which they are interested; but I naturally assumed, when the Republican Members of this body had constituted a committee on order of business, we would stand by it. I naturally supposed that when a Senator asked that committee to support him in getting up a bill that it would be in accordance with the policy of that committee, whether the bill was put on by the committee on order of business and taken off and came back again. There is no doubt that the first time it was put on the Senator was then aware of the program of the committee on order of business. As a matter of fact, the program of the order of business was read in this body by those who objected to it being the order of business, and the very order that guaranteed to the Senator from Michigan an opportunity to get this bill up provided it was with the understanding, however, that it should give way to appropriation bills.

The Senator from Washington, the chairman of the Committee on Appropriations, has a responsibility resting on him; he knows what his responsibility is. Is it to be assumed for a moment, when the appropriation bill was here ready for consideration, that he would have allowed to go uncontested a motion to take up any bill except the appropriation bill if he had not thought the policy of giving way temporarily to appropriation bills would be in force and effect? There is no doubt that is true; and if it were not true, it would be reprehensible in him to permit the passage of a Government supply bill to be delayed.

Mr. JONES. Mr. President, I want to say to the Senator from Nevada that I have taken the position he has indicated, and I have noticed generally when recommendations are made by the steering committee that they always put in provision with reference to appropriation bills which the Senator has mentioned.

There is another phase of the question to which I wish to advert and which I think should be considered, and that is that all the appropriation bills should be passed by the 1st of July, which is the beginning of the next fiscal year.

I want to see the bus bill of the Senator from Michigan disposed of; I think the Senate should take action upon it, but, as the Senator from Nevada has said, I do feel that there is a responsibility resting upon me as chairman of the Appropriations Committee in charge of the appropriation bills.

Furthermore, as I have said, this arrangement has been made out of consideration for the Senators from Arizona, who are entitled, I think, to that consideration. Of course, if the bus bill should be proceeded with until 1 o'clock to-morrow, and we should then have a vote on the motion for cloture and it should be carried, then the deficiency bill would be the unfinished business, exclusive of everything else until disposed of, and the Senators from Arizona would have but an hour each. I would much rather not have that condition prevail, and that is the reason I have made this proposal. I hope the Senator from Michigan will agree to laying aside his bill temporarily.

Mr. COUZENS. Mr. President, I still insist that the Senators from Arizona can make their speeches without displacing the bus bill. They will have the same number of hours in which to speak, and their remarks will have the same effect upon their colleagues as though they made them with any other bill before the Senate. Every Senator knows that there is no rule of relevancy here whereby a Senator is required to speak to the bill or subject before the Senate.

I wish to say further that this condition is not comparable with the kind of conditions about which the Senator from

Nevada has just spoken. Under ordinary circumstances the Senator from Nevada would be correct; ordinarily any bill would be laid aside in order to let an appropriation bill be acted upon; but we are now confronted by an unusual condition. Here is a highly controverted deficiency bill and here is a highly controverted bill of national importance, proposing to regulate motor-bus traffic in interstate commerce. There is no doubt in my mind that the motor bus bill is more important than the deficiency bill.

Senators will remember that on a previous occasion practically an all-night filibuster against a deficiency bill, because of the proposal to appoint a committee to investigate elections, resulted in the deficiency bill going over until the following session of Congress, but no damage was done; nobody suffered as a result of the deficiency bill going over to an entirely new session of Congress. So in this case the Nation will not be seriously affected if the deficiency bill shall not be passed.

My point is that the bus bill is before the Senate and is as equally important if not more important than the deficiency bill, and I insist, unless the Senate overrules me, that it remain before the Senate until it shall be disposed of, and then the deficiency bill may come up and be considered and acted upon.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Virginia?

Mr. COUZENS. I yield.

Mr. SWANSON. I am in favor of disposing of the bus bill; but if the suggestion made by the chairman of the Appropriations Committee shall be carried out and unanimous consent shall be given that the bus bill be temporarily laid aside the Senator from Michigan may bring it up again as the unfinished business at any time he desires, whereas if the deficiency bill shall be made the unfinished business the bus bill will lose the prestige of the position which it now occupies. If, as I have said, the bus bill shall be laid aside by unanimous consent, any one Senator can withdraw his consent at any time and thus bring before the Senate the bill in charge of the Senator from Michigan.

So it seems to me the Senator from Michigan should consent that the bus bill be temporarily laid aside—not necessarily that it be laid aside until the deficiency bill shall be disposed of—but after it has been temporarily laid aside, if the deficiency bill shall not make progress, if it shall be ascertained that the passage of the bus bill is thereby being delayed, the Senator from Michigan can withdraw his consent and at once the bus bill will become the unfinished business. That is correct, is it not, Mr. President?

The VICE PRESIDENT. It would be if the bill were temporarily laid aside without a further unanimous-consent agreement.

Mr. JONES. Mr. President, I think the Senator from Virginia overlooks the fact that I said if the bus bill were temporarily laid aside I proposed to ask for a unanimous-consent agreement under which the Boulder Dam item would continue under consideration until 3 o'clock to-morrow, and then we would vote on that, following which the unfinished business would again come before the Senate.

Mr. SWANSON. At 3 o'clock to-morrow, then, the Senator from Michigan could withdraw his consent to having the unfinished business being temporarily laid aside. That is the only extent to which the proposed unanimous consent agreement would interfere with his rights. As I understand, there is just one amendment in controversy on the deficiency bill, and if progress is not made with that, if there shall be delay, at 3 o'clock to-morrow it will be absolutely in control of the Senator from Michigan to bring before the Senate the bus bill, unless the Senate by a majority shall displace it. It does seem to me that the Senator will have absolute control of the situation at 3 o'clock, to-morrow, and it is a pretty good situation in which to be placed.

Mr. COUZENS. Of course, the Senator from Michigan is not as astute as is the Senator from Virginia, but if the deficiency bill shall be out of the way by 3 o'clock to-morrow, I want to predict right now that there will be no consideration of the bus bill for the remainder of the session. I propose to prevent, if I can, the passage of the deficiency bill until the bus bill shall be out of the way.

Mr. SWANSON. If the Senator will permit me, at 3 o'clock to-morrow it will be in the control of the Senator, to have the consideration of the bus bill resumed.

Mr. COUZENS. I understand.

Mr. SWANSON. And the only way it could then be displaced would be by a vote of the Senate.

Mr. JONES. Mr. President——

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. JONES. Mr. President, I want to see the bus bill of the Senator from Michigan disposed of, and I am perfectly willing to stay here as long as may be necessary to accomplish that end; yet I do feel that I would not be discharging my responsibility if I did not secure consideration of the deficiency bill. So, Mr. President, I move that the Senate proceed to the consideration of House bill 12902, being the second deficiency appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. COUZENS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McMaster	Smoot
Ashurst	Glass	McNary	Steck
Barkley	Glenn	Metcalf	Stelwer
Bingham	Goldsborough	Moses	Stephens
Black	Hale	Norris	Sullivan
Blaine	Harris	Oddie	Swanson
Borah	Harrison	Overman	Thomas, Idaho
Brock	Hastings	Patterson	Thomas, Okla.
Broussard	Hatfield	Phipps	Townsend
Capper	Hayden	Pine	Trammell
Caraway	Hebert	Pittman	Tydings
Connally	Howell	Ransdell	Vandenberg
Copeland	Johnson	Reed	Wagner
Couzens	Jones	Robinson, Ind.	Walcott
Cutting	Kean	Robsion, Ky.	Walsh, Mass.
Dale	Kendrick	Sheppard	Walsh, Mont.
Deneen	La Follette	Shipstead	Watson
Dill	McCulloch	Shortridge	
George	McKellar	Simmons	

The VICE PRESIDENT. Seventy-four Senators have answered to the roll call. The question is on the motion of the Senator from Washington [Mr. JONES].

Mr. HARRISON. I call for the yeas and nays.

Mr. COUZENS. Mr. President, the motion is debatable, is it not?

The VICE PRESIDENT. It is.

Mr. COUZENS. Mr. President, this proposed legislation has been a subject of controversy and consideration by the Congress for a considerable number of years—five or six, to my recollection. It is more important that the busses operating in interstate commerce be adequately regulated than it is that we pass a few appropriation bills.

Whenever an appropriation bill fails, as Members of the Senate know they do, the Government goes on just the same. For purely a political purpose the Senate filibustered against the passage of a deficiency appropriation bill so as to prevent the continuance of the so-called Reed committee, appointed to investigate elections. The Senate thought that was important. It was important to stop a political investigation, and in doing it to go to the extreme of stopping an entire deficiency bill; and yet at this time it is proposed to lay aside a piece of legislation of national importance to take up a deficiency bill.

The purpose of it is very apparent. There is no sincerity in the desire to have this done. It is done for the purpose of hastening an adjournment. It is also done for the purpose of killing this bill. There are certain groups in the Senate who want to prevent a vote upon the bus bill. They have boasted that they intend to prevent a vote upon it. I do not propose, if I can, to permit a deficiency bill or any other bill to be taken up when it is deliberately stated that these motions are for the purpose of preventing the passage of the bus bill at this session of Congress.

Many Senators are anxious to get away. Many Senators do not like to leave unless the deficiency and other appropriation bills have been passed. Some Senators say they will go to any extreme to defeat this bus legislation, not even knowing the sentiment of the Senate with respect to the several amendments proposed by the Committee on Interstate Commerce.

I do not know whether the Senators who propose to defeat this legislation know that they are in the minority or not. I do not know. So far as I am concerned, this legislation is of such importance that I am willing to state my case, and I am anxious to have every other Senator state his case, and take the judgment of the Senate. I am not willing to be a party to filibustering and defeating any legislation at this session of Congress by any tactics to supplant it by what appears to be a more popular deficiency bill.

Everyone knows that by the time we pass the deficiency bill the veterans' bill will be back here for consideration; and when that bill is out of the way no one will want to stay. Everybody will vote for adjournment, because they will think that the probabilities of passing the bus bill are slim.

Senators are here protesting against the provisions of the bill and stating that it creates monopolies in motor-bus transportation. The failure to pass this legislation is in the interest of the railroads. Those who are opposing this legislation are those

who are standing for the interest of the railroads. They are backing up the railroads in securing monopolies of motor transportation all over the United States. Because of their wealth and their power and their influence, they are able to buy up all of the bus lines if they choose, or to start their own bus lines, and, by their competition, drive out the weaker and the less competent bus lines that are now operating. The real purpose of the defeat of this bill is in the interest of the railroads.

Mr. DILL. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. DILL. Will the Senator tell me what railroads are opposing the bus bill, if it is against their interest? He says that this bill is against the interest of the railroads. I should like to have him name some of the railroads that are opposing his bill. Is it not a fact that this bill is being pressed and advocated by the railroads?

Mr. COUZENS. That is not true since it came from the Committee on Interstate Commerce. Nearly every railroad is opposing the bill, now that it comes here with the committee amendments.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Nevada?

Mr. COUZENS. Yes.

Mr. PITTMAN. I desire to say in the first place that, of course, I am not included in the number of those attempting to filibuster with regard to the bus bill.

Mr. COUZENS. I think that is correct.

Mr. PITTMAN. I will say to the Senator from Michigan that I am under the impression, and I gathered that impression from members of the House committee—I do not know whether the Senator got the same impression or not—that if this bus bill passes as reported out of the committee, with the clauses the Senator has in mind which protect against monopolization by railroads, it will not be accepted by the House, and that they will insist on its going to conference; and I was told that they would not attempt to appoint conferees if that should be the case. I do not know whether the Senator has the same information that I have or not.

Mr. COUZENS. I want to say to the Senator from Nevada that I am not responsible for any other person's conduct or actions. I do my duty as I see it, regardless of what the President says or thinks or what the other House says or thinks. I consider it my duty to do the best I can before the Senate to secure the passage of adequate and proper regulation for motor busses in interstate commerce; and I am not concerned about what the House is going to do.

Mr. PITTMAN. I am going to support the committee's amendments. That is why I had the matter in mind; and I was told almost authoritatively that the House would not accept the bill with those amendments in it.

Mr. COUZENS. The Senator knows that it is very easy to send out that sort of a bluff to help secure the kind of legislation that is desired in this body. If the Senate is to be controlled by threats sent out by Members of the House or by the President, I will not be a party to that sort of an agreement, and threats of that kind will not deter me from doing my duty as I see it. As I see my duty, it is to stand here as long as I am able to stand here and insist upon adequate legislation for the regulation of busses in interstate commerce.

Other Senators may have a different opinion; and I do not object to that. I should be the last to object, because I reserve the right to my opinion, as well as other Senators; but what I do resent is that at the close of a session, a this time, Senators should undertake to defeat desirable legislation because it does not meet with their views. I am willing to take the judgment of the Senate on the matter.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. BARKLEY. Emphasizing what the Senator has said about the need for the regulation of interstate busses, I have in my hand here a folder issued by a bus line known as the Colonial Stages, which operates busses, it says, from the Atlantic to the Pacific. Down in one corner, under the heading "Information for Passengers," it states that—

> Passengers boarding busses in one State may not terminate their trip in the same State except in the State of Georgia.

That means that these interstate busses, controlled by this particular organization, will not allow a passenger who boards one of their busses to terminate his trip within the State, because there is State regulation, but they require the passenger to buy a ticket into some other State, and even though the passengers are going to a town within the State on the border, they will not allow them to alight until they have crossed the State line into the other State, so that they may escape regulation, because the State in which they are operating undertakes to regulate intrastate busses. That is only one example of the need which exists now for the passage of this measure to regulate interstate busses.

Mr. COUZENS. Mr. President, the Senator knows that every State commission in the United States, with two or three exceptions, is anxious that the Federal Government assume its responsibility to regulate these busses in interstate commerce.

Mr. BARKLEY. The truth is, as was stated yesterday, that this legislation is here largely on the initiative of the State commissions, which found themselves unable to regulate interstate traffic, and are asking Congress to exercise its rights.

Mr. COUZENS. That is true; and Senators who are from States which absolutely regulate their own intrastate business, who require a certificate of public convenience and necessity, are here fighting this legislation in the Senate.

Mr. BLAINE. Mr. President, will the Senator yield.

Mr. COUZENS. I yield.

Mr. BLAINE. My information is entirely different from that conveyed by the Senator from Kentucky and the Senator from Michigan. I hold in my hand a letter signed by the chairman of the National Association of Railroad and Utility Commissions, the chairman being a member of the Railroad Commission of Wisconsin, with which letter is sent and to which letter is attached a copy of a letter to the senior Senator from Michigan. In that letter this chairman——

Mr. COUZENS. Mr. President, will not the Senator make this statement in his own time?

Mr. BLAINE. I beg pardon; I was going to ask the Senator if he did not receive the letter.

Mr. COUZENS. If I did, I have forgotten the contents; I have received a lot of communications. But I know that since the committee first reported this measure out neither railroads nor commissions are so much interested because we have eliminated the establishment of monopolies by a limited degree of competition.

Mr. BLAINE. Mr. President, I will speak on this proposition in my own time.

Mr. COUZENS. Mr. President, when this legislation passed the House of Representatives it was generally accepted as satisfactory to the bus operators and the railroads. If I remember correctly, they were a unit in agreeing upon the bill, because it did the very thing which the Senator from Washington [Mr. DILL] objects to; that is, maintains monopoly.

The bill as it passed the House required a certificate of public convenience and necessity in every case, except in the cases where the people were operating on March 1, 1930, and they were given 90 days in which to apply for a certificate.

In the committee there were three viewpoints concerning that particular feature of the bill. The minority of the committee believed that no certificate of public convenience and necessity should be required under any circumstances; in other words, that any bus operator or any firm or corporation desiring to operate a bus could operate it by getting a permit instead of a license from the Interstate Commerce Commission after they had complied with the provisions of the law requiring a bond to guarantee the public against property or personal injury, and also guaranteeing to maintain specific routes during certain hours between certain termini.

The majority of the committee thought that it should not cover into a monopoly those bus operators who have already started bus operations and exclude all others.

An amendment was proposed providing that if there were two competing lines between the same termini, then a certificate of public convenience and necessity would be required; but if there were no competition between two given points, then a certificate of public convenience and necessity would not be required.

The majority of the committee took that view. The bill was so amended and reported out, and as soon as the railroads and the bus companies found out that the committee reported a bill requiring the maintenance of competition there was immediate objection to the passage of the bill.

Mr. DILL. Mr. President, do I understand the Senator seriously to state here that the bus companies and the railroads want this bill killed?

Mr. COUZENS. I say that the bus companies desire that this bill not pass without the provision for a certificate of public convenience and necessity.

Mr. DILL. Of course, but the point the Senator now is making is that when he put on his amendment the railroads and the bus companies turned against the bill. The fact is that they turned against that amendment——

Mr. COUZENS. Absolutely.

Mr. DILL. But they are urging and insisting upon the passage of the bill, knowing that if the provision is not taken out in the Senate it will be taken out in conference.

Mr. COUZENS. I am not able to say what may happen in conference. I am no mystic; I can not read the future about what some conference is going to do. I am insisting on our doing what we ought to do.

Mr. DILL. But the Senator does know that the railroads and bus companies are insisting that the bill be passed, just as the Senator is. They are insisting that we pass a bill, and pass it now.

Mr. COUZENS. I am insisting upon the passage of a bill which meets with the judgment of a majority of the Senate. I am not here trying to filibuster or kill a bill. I want some sort of a bill passed and allowed to go to conference, and when the conference report comes back the Senate can say whether it approves or disapproves.

Mr. DILL. I want to ask the Senator whether he considers that there was any filibustering yesterday afternoon?

Mr. COUZENS. No; I am not saying that.

Mr. DILL. Why does the Senator talk about a filibuster before there is a filibuster? Why does he not wait until a filibuster develops? When Senators are learning about this bill the Senator from Michigan rises and charges filibuster. Why does he not wait until one develops?

Mr. COUZENS. The Senator does not have to answer the Senator from Washington as to why he does certain things. I am saying that the question of filibustering was not raised until a motion was made to supplant the bill by some other legislation, and the proponents of that movement I am not charging with filibustering; I am charging only that they are desirous of pushing the legislation of which they have charge ahead of some other legislation which is of equal if it is not of more national importance.

Whether the bill passes the Senate in the form in which it came from the committee, or whether it passes the Senate in the form in which it passed the House, or whether it passes the Senate in the form desired by the Senator from Washington and his colleagues who signed the minority report is not to me the important thing. The important thing is that the Senate do its duty, that the Senate not filibuster and delay unnecessarily by supplanting this bill by less necessary legislation, and fail to do its duty before the Senate adjourns.

With that statement I hope that the Senate will remain and do its duty and see that this legislation is not supplanted by some other legislation.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Washington.

AGRICULTURAL RELIEF AND THE TARIFF

Mr. CONNALLY. Mr. President, I send to the clerk's desk a telegram, which I desire to have read.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). The clerk will read.

The legislative clerk read the telegram, as follows:

DIMMITT, TEX.

TOM CONNALLY,
United States Senate:
Wheat 70 cents. What chance get Farm Board to act?
CASTRO COUNTY GRAIN CO.

Mr. CONNALLY. Mr. President, what I have to submit will take only a few minutes. It can just as appropriately be discussed under the head of the deficiency bill as under the head of the omnibus bill. It could be very appropriately discussed under the deficiency bill on account of the deficiency of this Congress in not having done anything substantial in redemption of the promise with which we met last April a year ago to relieve agriculture. It could be appropriately discussed under the head of the omnibus bill because we have recently enacted legislation of an omnibus character to benefit every industry except that of the farmer, whose benefit we were supposed to subserve.

Mr. President, I do not want to make any partisan harangue. I want simply to discuss for about five minutes with Senators, regardless of their political affiliations, what, if anything, we are going to do about the present situation as it affects agriculture.

To show my lack of partisanship, I want to quote from the New York Herald Tribune, a Republican journal. I select its columns because I do not want my statement questioned. I ask the clerk to read the paragraph in this morning's Herald Tribune with reference to the farm situation.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read the article, as follows:

WHEAT AGAIN DECLINES

Handicapped not so much by heavy offerings as by a virtual drying up of demand, July wheat futures settled still further back into the 80s and closed at the day's low at 88¼c, a new low for 16 years. It was the fourth consecutive day in which wheat had closed off and brought to 19 cents a bushel the net loss since June 9. In cotton also July options fell off to a new year's low, selling at one time at 13.08. The close for that delivery was 13.13, with the general market winding up hardly steady at net declines of 9 to 27 points. Sugar, rye, hides, and zinc joined the long procession to new low ground for the year, and corn and oats only barely escaped reaching a new minimum.

There were, quite naturally, not a few persons prepared for the turn of events in the stock market yesterday.

Mr. CONNALLY. Mr. President, I realize that Senators are not seriously concerned with this situation. I realize that a great many Senators are more concerned about getting through with the session and repairing to their homes and the golf courses. But I want to challenge whatever powers exist in the Government to state what, if anything, is going to be done about the situation with which we are confronted.

I am speaking to Senators to-day not as Republicans or as Democrats but I am bold to speak to them as American citizens, as American Senators. What are you going to do about the situation when the press of the country carries the report that wheat, the great staple farm product, is to-day bringing a lower price than it has brought at any time for the past 16 years?

After a long, weary wait of 16 years the wheat market is lower now than it has been at any time, and yet this is the Congress and this is the Senate which was convened in April, 1929, with promises on the lips of majority Senators to do something to relieve the American farmer, to give him a broader market in foreign fields, to give him a better price in the domestic market. This is the Congress and this is the Senate under Republican administration which was called into session in April, 1929, and said to the cotton farmers and the other farmers of America that before this session ended, somewhere out of the magic of legislative action it was proposed to give the farmer a higher price for his products and a more sustained market in the foreign markets of the world. And yet the Congress, under the Republican administration, is preparing to wind up its session, preparing to go back home to those same farmers to whom those promises were made, with these facts indelibly stamped upon the records of the Congress, and nothing done up to this time to relieve that promise.

Mr. President, I visited the Farm Board this morning. I consulted the chairman and other members of the Farm Board with reference to wheat and cotton. The board seems to be doing all that it can within its power. The board can not make any less wheat. The board can not reduce the volume of wheat and the volume of cotton. The board can not make European nations pay us more for cotton. The board can not compel men in Europe to buy our wheat.

Mr. President, every cause has an effect and every effect has a cause. What is responsible for this decline in prices? Why is it that wheat to-day is lower than it was last week? Why is it that to-day cotton will bring in the markets of the world less than it would two weeks ago? The reason is that the foreign demand has vanished. The New York Herald Tribune, a Republican authority, has stated that the price decline is not so much because of heavy offerings, but because the foreign demand has dried up. Why has it dried up? I do not want to stand here and cry out as a partisan against the tariff act as the cause of that situation. That act is now the law. It is the solemn act of Congress. I want no partisan advantage out of the situation; but, Mr. President, the passage of that act has not redeemed agriculture; the passage of that act has not increased the prices of the farmer's products. The passage of that act has not raised the price of wheat 1 penny, not 1 farthing, not 1 mill. It has not raised the price of cotton to the great producers of the country 1 cent, not one-tenth of a cent. But instead the prices of these great export crops have declined to new low levels for the year, and in the case of wheat to a new low level for the past 16 years.

What are we going to do about it? Are we merely going to look out the window? Are we going to retire to the cloakrooms when unpleasant subjects are discussed? Senators, when you go back home you will not be ab.. to evade this question. Your broken promises will be recalled by the farmers. They will not allow you to evade the question of what the Senate of the United States has done with reference to this important question. Oh, yes; we met in April, 1929, to relieve the farmer by a farm relief act and by a revision of the tariff. We spent about a week relieving the farmer through the consideration and pas-

sage of the farm relief bill, and then we spent the rest of 15 months making it impossible for the farmer to sell his exportable surpluses at a profit in the markets of the world. We spent the rest of the time increasing the cost of practically everything the farmer must buy and by the same token decreasing the price of everything he has to sell.

Mr. President, these are facts. They can not be doubted. They can not be evaded. No sort of sophistry can avoid them. No solemn pronouncement from the White House can wash them out. No platitudinous statements from leaders who are in control of the legislation of this Congress can detour around them. They stand here as undisputed facts. They stand here as facts which can not be denied.

I am greatly flattered by the audience of Republican Senators now present, consisting of seven Senators. That is just about the proportion of Senators on that side of the aisle who really are endeavoring to do anything substantial for the American farmer.

What are we going to do about it? Nothing? That is the easiest way out. We are soon going to adjourn. The wheat crop in the meantime will be marketed. The cotton crop in the meantime will be marketed and presumably marketed at the present low levels. Every agricultural statesman will go back to his constituents and put forth these "flannel-mouth" promises and predictions which he has been making now for the past eight years.

I, for one, believe that the time has at last arrived when we ought either to do something about the situation or quit talking about it forever. We ought to be honest with the American farmer and simply tell him that he must reduce his wheat crop to domestic needs. We ought to tell the cotton farmer that he can not expect to sell his surplus cotton abroad at a profit and must raise simply enough cotton to clothe the American people and no more. We either ought to do that or we ought to make good at least some of the promises which the Congress of the United States and the administration have been making to put the farmer on an equality with industry so far as his exportable surpluses are concerned.

Of course, no scheme has ever been advanced that will do that except the export-debenture plan. That plan does not enjoy access to the White House. That plan does not enjoy dinners with Republican leaders. That plan was adopted twice by the Senate, but because of edicts and ukases from the administration and edicts and ukases from a little coterie of leaders in another body in this Capitol, it was done to death. I call now upon the leader on the other side of the aisle, the distinguished Senator from Indiana [Mr. WATSON], who gave out in the closing days of the tariff discussion—the day after the bill passed, I believe—a glowing statement to the effect that the tariff bill was a great agricultural-relief measure. I call on him now to come back out of his party caucuses and rise in his place and tell us what he is going to do for these two great major crops whose prices have been declining steadily ever since that bill was passed and placed upon the statute books.

I call upon any champion of that measure. I call upon the Secretary of Commerce who rushed into the newspapers the other day undertaking politically to influence the affairs of the Government instead of attending to his business as Secretary of Commerce. I challenge that great Secretary, who said this was a great agricultural relief-measure, to send statistics here from his department to show us how and when and where that measure can relieve wheat and cotton and the great agricultural products which the Congress promised to aid.

I challenge Doctor Klein, of the Department of Commerce, who had the temerity to rush into print and over the radio to save the people of the United States in this campaign, to show that the tariff bill is a great agricultural-relief measure. I challenge him to send a report here to show where and how and when this mighty tariff bill is going to help the declining prices even 1 farthing, even 0.1 of 1 cent.

Mr. President and Senators, I do not want to consume further time of the Senators present, but I do want to enter my protest as to the treatment of agriculture in the RECORD, when we are facing the question of a vote as to whether we shall take up the bus bill to regulate transportation in interstate omnibuses already regulated by State authority or whether we shall take up the deficiency appropriation bill on the plea that the wheels of the Government are going to stop on the 1st day of July unless we pass it.

This session of the Congress was dedicated to the relief of the farmer. This session was solemnly called upon the great "flannel mouth" political plea that "we are going to call the Congress together to do something for suffering agriculture." I want it to be set down in the RECORD now that the longer Congress has been in session the worse off the farmer has become. His prices to-day are lower than they were when we first met to administer some relief to him. Should they continue to decline, it looks now as if instead of administering relief we will be forced to administer his estate.

In April, 1929, wheat at Kansas City was $1.10. To-day in Chicago it is 88 cents, a decline of 32 cents a bushel. When we met in April, 1929, to relieve the cotton farmer, to give him more money for his cotton, he was then getting in New York 20.33 cents. After talking for 15 months about relieving him his price for July cotton in New York is 13.07, a decline of something like 33⅓ per cent.

Mr. President, I know that this is an uninteresting subject. I know that Senators do not like to be disturbed by these unpleasant references to the condition of the farmer. I know that the agricultural situation has been the source of prolific demogogic talk and promises for the past 12 years. I know a great many have agitated themselves into public office on the strength of the agricultural-relief program. But I am wondering, Mr. President, how many of the Senators who have done that are now doing anything to really bring about a redemption of their promises? I wonder if they are bringing any influence to bear upon the administration to really relieve the situation? I wonder if any of them honestly believe that the recently enacted tariff law has either helped or ever will help the farmer?

Why, Mr. President, the answer is complete! There is no foreign demand because foreign governments can not buy our goods unless they can sell their goods to us. The American farmer can not even buy domestic goods unless he can get a higher price for his products.

Mr. President, I wanted to call these facts to the attention of the Congress and of the country. I want to call the attention of the country to the fact that the issue of the agricultural debenture is not dead. It can not be put to sleep by Executive ukase; its death can not be decreed by the temporary victory here on the floor of the Senate of those who would do it to death in the hope of receiving some benefit from the tariff bill. That issue will be with us until agriculture shall really, in some measure, be benefited by preferential legislation which Congress has given to all industrial classes of our population.

Let me say here and now that, so far as I am concerned, the Senate of the United States and the House of Representatives will have to meet the question of the agricultural-export debenture in the years to come. The little artificial measures which have been enacted which are labeled "farm relief" are simply a treatment of the skin when, as a matter of fact, the ailment is constitutional and goes to the very vitals of the agricultural situation. The little farm-relief ointment that is being placed upon the outside of the problem is simply superficial and can not reach down to the depths of the disease. All the buncombe and hocus-pocus of political agitation of the past about "helping the farmer" with cooperative marketing and with tracts from the Department of Agriculture and speeches from the book farmers over in that department are simply no more than hypocritical pretenses.

Mr. President, until Congress and the country come to recognize that the only way in which the American farmer can be given the benefit of the protective-tariff theory, the only way in which he can receive any profit whatever from the policy of building up false values in the United States by law is to bring him within the system through the operation of the debenture plan—then and then only will the promises made to American agriculture by the Republican Party even be appreciably redeemed.

PROPOSED INTERNATIONAL TRADE AND AGRICULTUAL CONFERENCE

Mr. THOMAS of Oklahoma. Mr. President, what I shall have to say will be supplemental to the remarks just made by the Senator from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. President, will the Senator from Oklahoma yield to me?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. THOMAS of Oklahoma. I yield.

Mr. CONNALLY. I make the point of no quorum.

Mr. THOMAS of Oklahoma. I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Oklahoma does not yield for that purpose.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. THOMAS of Oklahoma. For what purpose?

Mr. CONNALLY. For a question.

Mr. THOMAS of Oklahoma. I will yield for a question.

Mr. CONNALLY. I will say to the Senator from Oklahoma that of course I accede to his wish and will not demand the presence of a quorum if he does not want one; but I wish to embrace this opportunity of calling to the attention of the

country the very sparse attendance of Senators here this afternoon. When a Senator on this side undertakes to discuss matters of a great concern which are politically irritating to them, which they do not wish to hear discussed, Senators on the other side of the Chamber go to the cloakrooms or they go to the golf links or they go automobile riding. I simply want to set that down here and now. I shall, however, be very glad, if the Senator from Oklahoma will permit me, to demand a quorum, so that Senators who are now absent may hear his remarks.

Mr. THOMAS of Oklahoma. Mr. President, I do not desire to inflict undue punishment upon my colleagues, and for that reason I refuse to yield for a quorum call.

Coming to the Senate Chamber a few moments ago, I was handed a newspaper published within the last hour. Across the top of the front page I see this alarming headline:

Farmers face $1,125,000,000 loss in grain slump.

Mr. President, the State for which I presume to speak in part is one of the leading grain producing States of the Nation. The farmers of Oklahoma will suffer the loss of a very large percentage of that gigantic sum. However, the condition spoken of to-day by the Senator from Texas is not limited to losses to the grain farmer. I desire briefly to call attention to some of the headlines of to-day's newspapers. I notice in a Washington paper a headline, as follows:

Index of 90 stocks touch 1930 low. Yesterday's advances more than wiped out; 79 new minimums.

A little farther down, Mr. President—reiterating just briefly—I find that wheat on yesterday closed at 88¼ cents on the Chicago exchange. That means to the wheat farmers in the Central West a price to-day of something like 65 cents per bushel on the street and at the elevator. As stated by the Senator from Texas, this is the lowest price that wheat has reached in the past 16 years.

On yesterday cotton reached the low level of 13.8 cents per pound. That means that the farmers of the West and South, where cotton is produced, will receive this fall something like 10 cents per pound.

Mr. WALCOTT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Connecticut?

Mr. THOMAS of Oklahoma. I yield.

Mr. WALCOTT. I desire to ask the Senator if he has any idea what the average cost of Oklahoma wheat is?

Mr. THOMAS of Oklahoma. I only have the price on the Chicago exchange of 88¼ cents. The differential on account of freight would make an average price of something like 65 cents per bushel.

Mr. President, I wish to call attention to one other fact before I leave this particlar phase of the subject. I have here a publication called "Business Conditions Weekly," issued by the Alexander Hamilton Institute. The number to which I refer is dated June 21, 1930, being very recent. On page 2 of this publication, I find an article under the subhead "The Foreign Trade Situation," from which I read:

Due to the curtailment of general business activity, the United States continues to economize on purchases of foreign merchandise. Imports in May amounted to $285,000,000 as compared with $400,000,000 in the same month last year, a decrease of 28.8 per cent. For the first five months, imports of merchandise amounted to $1,486,000,000 this year as against $1,934,000,000 last year, a decrease of 23.2 per cent.

This decrease in the American demand for foreign merchandise is having a decidedly depressing effect on the export trade of the United States, especially so, since foreign countries are so dependent this year upon sales to the United States in financing purchases from the United States.

Exports of merchandise from the United States in May were valued at $322,000,000 as compared with $385,000,000 in the same month last year, a decrease of 16.4 per cent. Exports for the first five months amounted to $1,785,000,000 this year as against $2,232,000,000 last year, a decrease of 20 per cent.

Mr. President, if the figures are authentic—and I think they are—we find that in the month of May the United States suffered a decrease in imports of $115,000,000, amounting to 28 per cent plus, and for the first five months of the present year our imports have fallen off $448,000,000, a decrease of 23 per cent plus. For the same month, May, our exports fell off $63,000,000, or 16.4 per cent, and for the first five months of this year our exports decreased by $447,000,000 or 20 per cent.

It will be seen from these figures that the import decrease and the export decrease were practically the same, there being a decrease of $448,000,000 in imports and $447,000,000 in exports. I submit those facts for the consideration of the Senate. They show, Mr. President, that unless we can sell our goods abroad our foreign trading customers can not buy goods here. The figures for the first five months offset each other. It follows, I submit, that the less goods foreigners sell in the United States the less goods they will buy in the United States.

In connection with this article, I call attention to a few newspaper clippings which are of recent date. On the 19th of June, an official of the Canadian Government, who presumed to speak for that country, made an address. I refer to Mr. Percy Elwood Corbett. In that address he gave the reaction of the passage of the tariff bill in Canada, and said that the passage of the tariff bill in Canada caused a "wave of indignation from one end of the country to the other." Further he said:

Retaliation has become the cry of the day and this year's [Canadian] budget, with its increased British preference, is the result. Such actions are by no means confined to Canada.

A little farther on he says:

Only the impartial observer could say which of us is more ready to make neighborly concessions, but surely a lead in the direction of altruism might legitimately be expected from the larger country.

Mr. President, I interpret that speech made by this distinguished Canadian as a plea for a conference with the responsible authorities of the United States with a view and a hope that the tariff rates applying between these two neighborly countries may be satisfactorily adjusted.

In the same newspaper I find another story, to which I call attention briefly. The headline reads as follows:

French make threats of tariff reprisals.

It is an Associated Press dispatch, and the story is dated Paris, June 19. I read from it as follows:

Official France's first move of protest against the new American tariff and the first official threat of reprisals against its enforcement were made to-day by the committee on customs of the Chamber of Deputies.

After short deliberations the committee adopted the following "order of the day" to be submitted to Premier Tardieu:

"The committee on customs of the chamber, after examining attentively the consequences of the increase in customs duties decided upon by the United States, notes with regret:

"First. That the new American tariff * * * will sensibly decrease French exports to that great, friendly country.

"Second. That it will seriously increase the difficulties which generalized economic nationalism is bringing about in international exchanges.

"Third. That owing to the injury done to the equilibrium of their commercial balances, countries which have debts to settle with the United States risk severe tension in their monetary systems.

"The committee deems it necessary to adopt French customs duties, as applied to American products, to the régime to which will be submitted French exports to America, and requests the Government to intervene immediately with the President of the United States to obtain such decrease in American customs duties necessary to the maintenance of French exports.

"The committee on customs, in event that such intervention remains without results would insist upon suppression of the clause now granting most-favored-nation treatment to the United States, deeming it illogical that the United States should benefit by such treatment without the slightest reciprocity such as consented by other nations."

In the last issue of the Washington Star I find another story of interest upon the same subject matter. The title of this story is:

French favor going slow. Opposing united retaliation measures, will take direct action.

This is a signed article coming from Paris dated June 23. The story is as follows:

PARIS, FRANCE, June 23.—Although a few other European countries already have approached the French Government in order to study the possibility of common action vis-a-vis the American tariff, France will not favor concerted retaliation measures, but first will try to obtain through normal and direct negotiations with the American Government alleviation of the allegedly excessive duties on certain French goods.

The French Ministry of Commerce is now studying the intricate clauses of the Hawley-Smoot tariff and is trying to value possible effects on French exports to the United States, but being fully aware of the vital importance of her imports of American raw materials like cotton, oil, gasoline, and copper for French industry the French Government will handle the whole matter with the greatest care and in a spirit of friendly collaboration with the United States.

As soon as the necessary survey is completed the French Government will transmit to the American Government a general memorandum fully explaining the French point of view and asking for modification of some items on the new tariff. There is so far no suggestion in responsible

circles of denouncing the most-favored-nation clause granted by France to the United States in 1920.

Mr. President, I submit these articles; and I interpret them as being a plea on behalf of the nations of the world to enter into some kind of accord with the responsible authorities of the United States in order that these barriers may be lessened, if not entirely annulled and repealed.

Let me call attention to another news item:

Europe launches United States tariff fight.

The story comes from Brussels. It is an Associated Press dispatch. The first statement is:

An "anonymous high official" to-day was quoted by Le Peuple with the statement that joint negotiations already are under way among European countries interested in the effects of the new United States tariff.

In this story I find a paragraph that shows the effect of the reduction of American tariff rates. This paragraph relates to the reduction of the tariff on diamonds, and for the benefit of the Senate and the RECORD and to show the effect on foreign trade of a reduced rate I read the item:

Louis van Berckelaer, secretary general of the International Diamond Workers Syndicate, to-day expressed the opinion that the tariff would result in an immediate improvement in the European diamond industry.

It must be remembered that the tariff bill recently passed reduced the rate on diamonds; and here is the effect of that reduced rate as stated in a dispatch coming from Brussels:

He explained that during the tariff discussions in Washington American diamond dealers refrained from accumulating new stocks.

Reduced tariff on uncut diamonds of 10 per cent instead of the previous 20 per cent will result, he said, in New York becoming an important market for rough stones and bring to a standstill the well-organized smuggling of gems that has been going on.

He predicted that while the large stones would be cut in the United States the branch of European industry would hardly be affected by the new situation.

Similar optimism to-day prevailed among other diamond dealers, who expressed belief that America by August or September would be a more important buyer in the diamond market than ever before.

Mr. President, this is one case where a rate upon an import to the United States was decreased. Within one week's time such reduction has been reflected in the diamond industry, and we maintain that other reductions would have similar effects upon the commerce of the United States and the world.

I quote next from the same paper, the Washington Star, a story under the heading "Fascist Leader Hits Tariff. Other Peoples Have Become Italy's Exigent Creditors, Turati Says."

This is from Bologna, Italy, June 23, and is an Associated Press dispatch:

Speaking on the present economic situation in Italy, Augusto Turati, secretary of the Fascist Party, yesterday made the first public reference by any responsible Italian official to the new Hawley-Smoot tariff.

"If we are suffering something to-day," he said, "it is because other peoples, forgetful of what we gave open-handedly during the sad, laborious hours of the war, have become exigent creditors for us.

"Not content with having made us pay our debt to the last centesimo, they would now pretend to take us by the throat economically, in order to make us slaves."

Previously, Turati had said:

"Though our lot be hard, people abroad are not smiling. They are not smiling in America, where the richest banking market is crumbling. They are not smiling in the streets of London, where innumerable columns of unemployed pass by.

"They are not smiling in rich France, where they are tormented with trying to rescue the small savings of French rural economy."

On the 20th of this month I find a story appearing in practically all the papers under an Associated Press headline, as follows:

Tariff foes press Paris for protest. French Government hoping revision of rates by Hoover will end agitation.

I quote one or two paragraphs of this story, under a subhead as follows:

HOPE PLACED IN HOOVER

Strong hope was expressed, however, that President Hoover could be induced to make generous use of his discretionary powers to reduce duties which turn out to be too high, without going through the process of technical investigations which might take a year or more before they could possibly yield benefits to French industry.

The estimate of the American embassy that the new rates would add an average of only 3.35 per cent to French export duties to America was accepted by neither manufacturers nor officials.

Mr. President, I might say in passing that the President gave out a statement outlining his reasons for signing the new tariff bill. Replying to criticisms of the measure, he is reported to have said that if the act contained errors, injustices, and inequalities that under the flexible provision he could correct such errors, injustices, and inequalities. Our American ambassador to France made a similar representation to the French people—that even if the bill contained some inequalities and did some injustices to France, the President had the power, under the flexible clause, to correct such errors; but here we have a statement from France stating that neither the manufacturers nor the people of France are willing to accept such statements. They are hopeful, but they are not satisfied.

I shall not refer to any more of these protests now. They are world wide. As I had occasion to say on a previous day, they come from practically every country on the globe where American trade goes. It occurs to me that the American Government is not justified in remaining quiet while these protests are being made. No explanations are offered; but little hope is held out; and yet the nations of the world are listening, they are waiting, they are hoping that something may be done to save their trade with the United States.

Mr. President, as I stated on a former occasion, we have due this Government something like ten and a half billion dollars of foreign loans. Our foreign investors have loaned and invested abroad something like $17,000,000,000. Our foreign trade amounts to $10,000,000,000 annually. These three figures when added make the gigantic sum of thirty-seven and one-half billion dollars. We expect interest on this money. We expect interest and dividends to be paid upon our investments abroad. We expect our foreign trade to be continued and even extended. If it is not continued and extended, we shall be the sufferers. So that this enormous sum of $37,000,000,000 and more, at 5 per cent interest—only a fair return—makes our income from abroad each year almost $2,000,000,000.

Mr. President, we can not afford to jeopardize the security of our Government's foreign loans. We can not afford to place barriers and obstacles in the way of a continuation and expansion of our foreign trade. We can not afford to take chances with either principal or income. If the income is jeopardized, the principal becomes unsafe. If foreign nations can not pay the interest on the debts they owe, the next thing will be a repudiation of those debts. If foreign borrowers can not pay the interest upon their private loans, then repudiation of the loans may follow. We can not suffer this foreign trade to be placed in jeopardy, because for every dollar's worth of goods we keep out of the United States a dollar's worth of our surplus goods will not leave the United States. Mr. President, as a matter of policy the United States should not remain silent and idle with the conditions in the world developing as they are. World sentiment is too much against the United States for us to remain silent and inactive.

Mr. President, in one of the leading cafés of this city there is posted conspicuously upon the wall a motto. That motto reads, "Our guests are always right." I think almost everyone in this Chamber has seen that motto. When one goes to that particular restaurant and looks around the wall he sees the smiling countenances of many of the leaders of this body looking down upon them. At this particular café one has to stand in line to get a table. The patronage is good. The business has been developed because of the policy pursued, I take it, that their guests are always right. Yet in the matter of foreign trade—and the same principle should be involved—the Government of the United States reverses that motto and says, "Our trade customers are never right."

I protest against that policy; and I suggest for the consideration of this Government that the policy be changed so as to imitate the motto upon the walls of this cafe. I would not say that our foreign trading customers are always right, but I maintain that they are sometimes right, and their protests should at all times be heeded.

Mr. TRAMMELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Florida?

Mr. THOMAS of Oklahoma. I yield.

Mr. TRAMMELL. I desire to ask the Senator if he believed in heeding the protests of these foreign countries when they desired the entire forgiveness of the obligations which they owed America on account of money advanced them to carry on the war. They protested most vehemently against paying those obligations. Was he in favor of heeding that protest?

Mr. THOMAS of Oklahoma. As a Member of the House of Representatives and a Member of this body, I voted to exact from our allies the amount of money the commission found to be due. That is my position still. I am in favor of exacting the interest they owe, and I favor the collection of the principal

when due. At the same time, I am in favor of making conditions such that they can pay the interest, and eventually the principal.

Mr. President, I am interested in our foreign trade. Coming from a western, interior State, some might wonder at my interest. Oklahoma is one of the leading wheat-producing States of this Nation. The United States produces some 200,000,000 bushels of wheat each year for export sale. Unless this surplus wheat is sold abroad, it remains here at home to depress the price; and this is the reason why to-day the price of wheat on the markets of my State is around 65 cents per bushel. The Washington Daily News, printed since noon today, contains the following statement:

The cause generally was ascribed to the glut of grain in all markets of the world, with bigger crops in the Southwest promising to augment the oversupply. Harvest is well under way in the Southwest, and despite the fact that many farmers have indicated they will store their grain, commission men feared a flood of new grain to descend.

Mr. President, that is the reason why the price of wheat is only some 65 cents to-day. We have too much wheat on hand, too much wheat has been carried over, too much wheat is now ready to be cut, too much wheat is now ready to be threshed, and when the present crop is cut and threshed, the supply will be augmented and increased, and the price for this commodity may thereby be further depressed.

Mr. President, in addition to Oklahoma being one of the leading wheat-producing States of the Nation, it ranks second as a cotton-producing State. Nine million bales of cotton are produced annually in the United States for export. Oklahoma produces a large percentage of that 9,000,000 bales. Unless foreigners can buy this surplus cotton, it must remain here at home, and that is the reason why the price of cotton to-day is between 12 and 13 cents a pound. This is 12 to 13 cents a pound upon the exchanges, and such exchange prices mean that the cotton growers of the South and West receive something like 10 cents a pound for the cotton they produce. This is the outlook which faces the cotton planters to-day.

Mr. President, in addition to being a wheat and flour-producing State for export purposes, and a cotton-producing State for export purposes, Oklahoma produces minerals. We have almost unlimited coal. If there should be a foreign market found for coal, Oklahoma mines could supply any reasonable demand. There is no demand for coal now. The countries wanting coal can not get it from Oklahoma.

My State produces oil. We export oil-refined products, gasoline, and the other 300 products made from oil. Unless the nations abroad can sell their surplus goods to us they can not continue to buy our surplus oil-refined products. So my State is interested in having our foreign friends prosperous so that they can buy the things we produce and have for sale, and unless we can sell our surplus wheat, unless we can sell our surplus cotton, unless we can sell our surplus oil and oil products, unless we can sell our surplus coal, and unless we can sell our surplus lead and zinc, the main industries of my State will suffer, languish, and eventually die.

Mr. President, there should be a remedy for every ill. For years we have sought the remedy for the ills of agriculture, but the problem is not yet solved. We are officially advised that the cause of the low price of wheat is the large surplus now in existence, and that in order to remedy this condition the wheat farmers should stop raising wheat, and instead raise something else. If the United States supplied all the wheat consumed in the world, that remedy might be sound, but the remedy is not sound under present circumstances. If the United States should initiate a program of limitation of the production of wheat, what would the other wheat-producing countries probably do? What would Argentina do, what would Australia do, what would Canada do? Each country would probably produce more wheat. It would do no good whatever to curtail the production of wheat in the United States unless Canada would curtail, unless Argentina would curtail, unless Australia would curtail, unless France would curtail, and unless Russia would curtail. This problem is not one local to the United States; it is a world problem, and when solved it must be by the wheat-producing nations cooperating to bring about world-wide curtailment of wheat production.

Mr. President, if my premises are sound, if it is desirable to limit the production of wheat to the end that the surplus may be controlled, it can not be done by the United States alone, it can only be done by effective cooperation by the wheat-producing countries of the world. The same thing is true relative to cotton.

In order that our farmers in the United States may be advised of the amount of the carry-over of agricultural crops, such as wheat, corn, and cotton, and in order that they may know of the status of growing crops, it will be necessary for the Federal Farm Board to organize and maintain a world-wide crop-reporting bureau. In order for the farmers of the United States to know how much wheat is being carried over in the other nations, in order for them to know whether or not they should produce wheat, or oats, or plant corn, or cotton, they must know how much wheat and cotton and oats and corn are being carried over in the other nations of the world, and such information can be secured only through the organization of a world-wide crop-reporting system. We should—we must—have such a system.

Mr. President, if we are to limit the production of wheat and the production of cotton, it will be necessary for us to cooperate with the other wheat and cotton producing countries. We can not do it ourselves. We must have some kind of an arrangement and some kind of an understanding with the other nations producing these commodities whereby they will cooperate with us in bringing about these results.

Mr. President, I submit that our best interests demand that international trade barriers should be lowered rather than raised; that international trade cooperation should be stimulated rather than repressed; and in order to bring about the ends suggested I desire at this time to introduce a joint resolution. I ask unanimous consent that the same may be read from the desk for the benefit of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The joint resolution (S. J. Res. 202) providing for the calling of an international trade and agricultural conference was read the first time by its title, the second time at length, as follows:

Resolved, etc., That the President is hereby authorized and requested to invite the governments of the countries with which we maintain commercial relations to send representatives to a conference which shall be charged with the duty (1) of making a survey of economic barriers between and among the countries represented; (2) of investigating, considering, and developing a system of international agricultural crop reporting; and, (3) of investigating, considering, and reporting plans for the control of the production of exportable agricultural crops; and that the report or reports of such conference, whether jointly or individually made, shall be filed with the appropriate respective governments for consideration and approval.

SEC. 2. For the purpose of meeting the expenses incident to such conference, funds are hereby authorized to be appropriated.

Mr. THOMAS of Oklahoma. I ask that the resolution be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Agriculture and Forestry.

MUSCLE SHOALS

Mr. BLACK. Mr. President, I desire to call the attention of the Senate to a news item appearing in this afternoon's Washington News, as follows:

Claudius Huston's Tennessee River Improvement Association began receiving contributions from the power industry as far back as 1925, it was revealed to-day by the Federal Trade Commission.

The commission, examining accounts of the East Tennessee Development Co., a somewhat mysterious subsidiary of National Power & Light, holding company in the Electric Bond & Share group, found a contribution of $3,750 made in October, 1925. National Power & Light actually contributed the money and charged it to the development company.

I desire to call the attention of the Senate in connection with that item to the fact that the Muscle Shoals problem is still unsettled. I desire to call attention further to the fact that two Republican Congressmen from the South—we rarely ever send any, but it happens that from two districts Republican Congressmen have been sent to Washington—are on the conference committee. One of them is from Tennessee and one is from Texas. Mr. Huston is from Tennessee. The Muscle Shoals difficulty could be settled, as I said a few days ago, by one word from the White House. It is being held up and the fault lies with the administration. The fault lies with the Republican Party leaders. It lies with the Republican Party "bosses." Mr. Huston is chairman of the Republican National Committee.

According to my information, Mr. REECE has left Washington and gone to Tennessee. Of course, there is no chance for the conference committee to agree while Mr. REECE is in Tennessee.

The item continues:

The commission was unable to learn why the payments were made to Leighton, or why the development company was organized. The Norris Muscle Shoals bill was pending before Congress at the time the payments and the contribution to the Tennessee River Improvement Association were made.

NEW EVIDENCE OF "BOOSTING"

New evidence is disclosed in the record of National Power & Light Co. affairs of "boosting" the value of securities and of wide divergence between company profits and company expenses.

In the six years ended with 1928 National Power & Light had a gross income of $25,582,751 and expenses of only $2,113,605. In other words, 8 per cent of the gross income was devoted to expense, leaving 92 per cent for bond interest and dividends.

These stupendous profits are being received by the company which the Republican administration and the Republican House conferees are protecting from competition from the little bit of power at Muscle Shoals. They will not let anything be done at this session of Congress about Muscle Shoals if they can prevent it.

No vote has been taken by the Members of the House on the Norris bill. Why is Muscle Shoals legislation held up? In order that 2,000 to 3,000 per cent profits may continue to go into the pockets of the Power Trust and so that out of every dollar's income 92 cents can go to dividends and profits.

ADULTERATED OR MISBRANDED FOODS, DRUGS, ETC.

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein and for other purposes," approved June 30, 1906, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

CHAS L. MCNARY,
JOHN G. TOWNSEND, Jr.,
Managers on the part of the Senate.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House having considered the bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years, ordered that the enacting clause thereof be stricken out.

The message also announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920; and

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann; and

H. R. 2810. An act for the relief of Katherine Anderson.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 887) for the relief of Mary R. Long; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 936) for the relief of Glen D. Tolman; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924;

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.;

H. R. 320. An act for the relief of Haskins & Sells;

H. R. 328. An act for the relief of Parke, Davis & Co.;

H. R. 329. An act for the relief of Joseph A. McEvoy;

H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 655. An act for the relief of Guy E. Tuttle;

H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;

H. R. 1058. An act for the relief of Jesse A. Frost;

H. R. 1076. An act for the relief of Jacob S. Steloff;

H. R. 1546. An act for the relief of Thomas Seltzer;

H. R. 1592. An act for the relief of William Meyer;

H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 1712. An act for the relief of the heirs of Jacob Gussin;

H. R. 1717. An act for the relief of F. G. Baum;

H. R. 1724. An act for the relief of Margaret Lemley;

H. R. 1888. An act for the relief of Rose Lea Comstock;

H. R. 2464. An act for the relief of Paul A. Hodapp;

H. R. 2645. An act for the relief of Homer Elmer Cox;

H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;

H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);

H. R. 3222. An act for the relief of the State of Vermont;

H. R. 3441. An act for the relief of Meta S. Wilkinson;

H. R. 3732. An act for the relief of Fernando Montilla;

H. R. 5113. An act for the relief of Sylvester J. Easlick;

H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koeningstein, and H. Fukasawa;

H. R. 5526. An act for the relief of Fred S. Thompson;

H. R. 5872. An act for the relief of Ray Wilson;

H. R. 5962. An act for the relief of R. E. Marshall;

H. R. 6209. An act for the relief of Dalton G. Miller;

H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;

H. R. 6243. An act for the relief of A. E. Bickley;

H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;

H. R. 6268. An act for the relief of Thomas J. Parker;

H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;

H. R. 6416. An act for the relief of Myrtle M. Hitzing;

H. R. 6537. An act for the relief of Prentice O'Rear;

H. R. 6627. An act for the relief of A. C. Elmore;

H. R. 6663. An act for the relief of J. N. Lewis;

H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;

H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;

H. R. 7013. An act for the relief of Howard Perry;

H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;

H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;

H. R. 7068. An act for the relief of Fred Schwarz, jr.;

H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 7664. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;

H. R. 8347. An act for the relief of the Palmer Fish Co.;

H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;

H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;

H. R. 9246. An act to reimburse Lieut. Col. Frank J. Kililea;

H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation in the State of Maryland;

H. R. 9990. An act for the rehabilitation of the Bitter Root irrigation project, Montana;

H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes;

H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;

H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes";

H. R. 11477. An act for the relief of Clifford J. Turner;

H. R. 11493. An act to reimburse Lieut. Col. Charles F. Sargent;

H. R. 12099. An act to apply the pensions laws to the Coast Guard;

H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims;

H. R. 12586. An act granting an increase of pension to Josefa T. Philips;

H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas, near Fort Lynn;

H. R. 12842. An act to create an additional judge for the southern district of Florida;

H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and

H. J. Res. 322. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia.

ENROLLED BILLS PRESENTED

Mr. GILLETT (for Mr. GREENE), from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 968. An act for the relief of Anna Faceina;

S. 1252. An act for the relief of Christina Arbuckle;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 2370. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia;

S. 2972. An act for the relief of Dewitt & Shobe;

S. 3038. An act for the relief of the National Surety Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon;*

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4517. An act to provide for the regulation of tolls over certain bridges; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the U. S. submarine *S–4.*

SECOND DEFICIENCY APPROPRIATIONS

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Broussard	Deneen	Harris
Ashurst	Capper	Dill	Harrison
Barkley	Caraway	George	Hastings
Bingham	Connally	Gillett	Hatfield
Black	Copeland	Glass	Hayden
Blaine	Couzens	Glenn	Hebert
Borah	Cutting	Goldsborough	Howell
Brock	Dale	Hale	Johnson
Jones	Oddie	Shipstead	Townsend
Kean	Overman	Shortridge	Trammell
Kendrick	Patterson	Simmons	Tydings
La Follette	Phipps	Smoot	Vandenberg
McCulloch	Pine	Steck	Wagner
McKellar	Pittman	Steiwer	Walcott
McMaster	Ransdell	Stephens	Walsh, Mass.
McNary	Reed	Sullivan	Walsh, Mont.
Metcalf	Robinson, Ind.	Swanson	Watson
Moses	Robsion, Ky.	Thomas, Idaho	
Norris	Sheppard	Thomas, Okla.	

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. COUZENS. Mr. President, I should like to submit a unanimous-consent agreement to perhaps expedite matters if we can get an agreement to vote upon the bus bill. I would like to ask unanimous consent to vote on the final disposition of the bus bill at 3 o'clock on next Monday afternoon.

Mr. DILL. I object.

The VICE PRESIDENT. The junior Senator from Washington objects. The question is on the motion of the senior Senator from Washington that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. JONES. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. He being absent, I transfer that pair to the junior Senator from Minnesota [Mr. SCHALL] and vote "nay."

Mr. REED (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I transfer that pair to the senior Senator from Ohio [Mr. FESS] and vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the affirmative). Has the Senator from Illinois [Mr. DENEEN] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. OVERMAN. I have a general pair with that Senator. I transfer it to the Senator from Missouri [Mr. HAWES] and let my vote stand.

Mr. METCALF. Has the Senator from Maryland [Mr. TYDINGS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. I have a general pair with that Senator. Not knowing how he would vote, I withhold my vote.

Mr. CARAWAY. I have a general pair with the Senator from New Hampshire [Mr. KEYES], I transfer to the Senator from Florida [Mr. FLETCHER] and vote "nay."

Mr. MCKELLAR (after having voted in the affirmative). I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], which I transfer to the senior Senator from Iowa [Mr. STECK], and let my vote stand.

Mr. SHEPPARD. The Senator from Georgia [Mr. GEORGE], the Senator from Mississippi [Mr. STEPHENS], and the Senator from Iowa [Mr. STECK] are detained on official business.

Mr. MCNARY. I desire to announce that on this question the Senator from Nevada [Mr. ODDIE] is paired with the Senator from North Dakota [Mr. MCMASTER]. If present, the Senator from Nevada [Mr. ODDIE], would vote "yea," and the Senator from South Dakota [Mr. MCMASTER] would vote "nay."

I wish to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Utah [Mr. SMOOT] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 30, nays 27, as follows:

YEAS—30

Ashurst	Dill	Kendrick	Shortridge
Bingham	Glass	McKellar	Steiwer
Blaine	Hale	Overman	Sullivan
Brock	Harris	Phipps	Swanson
Broussard	Hayden	Pittman	Thomas, Idaho
Connally	Howell	Ransdell	Walsh, Mont.
Copeland	Johnson	Reed	
Cutting	Jones	Sheppard	

NAYS—27

Allen	Glenn	McNary	Trammell
Barkley	Goldsborough	Moses	Vandenberg
Black	Hastings	Norris	Wagner
Capper	Hatfield	Patterson	Walcott
Caraway	Hebert	Robinson, Ind.	Walsh, Mass.
Couzens	Kean	Shipstead	Watson
Dale	McCulloch	Thomas, Okla.	

NOT VOTING—39

Baird	Gillett	La Follette	Simmons
Blease	Goff	McMaster	Smith
Borah	Gould	Metcalf	Smoot
Bratton	Greene	Norbeck	Steck
Brookhart	Grundy	Nye	Stephens
Deneen	Harrison	Oddie	Townsend
Fess	Hawes	Pine	Tydings
Fletcher	Heflin	Robinson, Ark.	Waterman
Frazier	Keyes	Robsion, Ky.	Wheeler
George	King	Schall	

So the motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

Mr. BINGHAM. For fear lest the cloture may be put upon this bill to-morrow, although I shall vote against the cloture, and in order to conform to the rule, I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The Senator from Connecticut submits an amendment, which will be read.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

At the proper place to insert the following:

"For carrying out the provisions of the act entitled 'An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula,' approved June 25, 1930, $1,500,000."

Mr. VANDENBERG. I offer an amendment to the pending bill and ask to have it read, printed, and lie on the table.

The amendment was read, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 67, between lines 23 and 24, insert the following new paragraph:

"Sixth session of the Permanent International Association of Road Congresses: For the expenses of the sixth session of the Permanent International Association of Road Congresses, to be held in the District of Columbia in October, 1930, as authorized by the joint resolution entitled 'Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof,' approved March 28, 1928, as amended, including salaries in the District of Columbia or elsewhere, rent in the District of Columbia, printing and binding, exhibits, transportation, and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract, if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), official cards, entertainment, and such expenses as may be actually and necessarily incurred by the Government of the United States in the observance of proper courtesies, fiscal years 1930 and 1931, $30,000."

Mr. JONES obtained the floor.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. I yield for a question.

Mr. WATSON. Has the Senator any kind of understanding about when a vote will be taken on this measure?

Mr. JONES. I am going to submit a proposed unanimous-consent agreement.

Mr. WATSON. Very well.

Mr. JONES. I gave the substance of the request I am going to submit earlier in the day, but in view of the time that has been consumed I think that the time proposed to be fixed to-morrow for taking a vote on the Boulder Dam item should be extended; so instead of asking that the vote be taken at 3 o'clock I wish to extend it to 4 o'clock. I think that will be fair to the Senators from Arizona. I suggested to the assistant leader, the Senator from Oregon, that the Senate ought to meet at 11 o'clock to-morrow, which would make up for the time which has been used to-day.

Mr. McNARY. That is true, and, so far as I can speak, I am in accord with the suggestion, but if we meet at 11 o'clock there is no need of extending the hour of the vote from 3 o'clock until 4 o'clock in the afternoon.

Mr. JONES. Except that we have already taken two hours this afternoon which it was expected we would have for discussion of the Boulder Dam item.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arizona?

Mr. JONES. I yield.

Mr. ASHURST. I think the Senator from Washington is eminently fair. Two hours have been consumed this afternoon, and I think it is only fair that the time for discussion should therefore be extended two hours. Speaking for myself, and I think for my colleague—although, of course, my colleague will speak for himself—so far as we are concerned if we may have between now and 4 o'clock to-morrow, not to exceed, say, two hours each on the item, that will be satisfactory to us.

Mr. GLASS. Two hours each—four hours all together?

Mr. ASHURST. Yes; and I will say that, if the cloture motion is withdrawn, we think that is a fair arrangement, that between now and 4 o'clock to-morrow we may each have two hours if we wish it. It may be that after I have proceeded 10 minutes the effect of my speech will be so obvious that I will not need to proceed further.

Mr. GLASS. I could listen to the Senator alone for two hours, but I am wondering when we are going to get to the other disputed items of the bill?

Mr. ASHURST. They will be reached at 4 o'clock under the agreement.

Mr. JONES. I was going to state that, so far as I could, I would insist upon a disposition of the bill to-morrow.

Mr. GLASS. The Senator from Washington knows that I wanted to address the Senate on an important item in the appropriation bill.

Mr. JONES. I understand that.

Mr. GLASS. And at his suggestion I deferred speaking to-day and postponed my remarks until to-morrow.

Mr. JONES. I know that.

Mr. GLASS. I do not want to wait until to-morrow night.

Mr. JONES. I think if we dispose of the Boulder Dam item at 4 o'clock, we may probably be able to dispose of the remainder of the bill by half past 5 or so.

Mr. ASHURST. So far as I am concerned, I am willing to proceed this afternoon and occupy such time as I may; so the agreement could fix the hour at 3 o'clock to-morrow, provided the Senate should meet at 11 o'clock a. m. to-morrow.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. I yield.

Mr. NORRIS. In view of the statement of the Senator from Washington that he expected a final vote on all the items of the bill before adjournment to-morrow, I do not think we ought to meet at 11 o'clock. Suppose that we do not get through with the bill to-morrow; there will be another day following it.

Mr. JONES. Of course, it will rest with the Senate. I simply said I was going to do all I could to dispose of the bill to-morrow.

Mr. NORRIS. I do not want to interfere with the Senator's program. I would not object if the session should run late to-morrow, but the proposal to meet at 11 o'clock, in view of all the other work we have on hand, seems to me to be uncalled for and unnecessary.

Mr. JONES. Very well, I will provide in the request that the vote shall be taken at 4 o'clock. I send the request to the desk and ask that it may be read.

The VICE PRESIDENT. Let the Secretary read the request for unanimous consent submitted by the Senator from Washington.

The Chief Clerk read as follows:

It is hereby agreed by unanimous consent that not later than 4 o'clock p. m., on Thursday, June 26, the Senate shall proceed to vote on any amendments that may be offered or pending to the paragraph in House bill 12902, the second deficiency act, 1930, relating to the Boulder Canyon project, and that prior to that hour each of the Senators from Arizona shall have not more than two hours for debate on the paragraph and amendments that may be proposed, and all other discussion shall be limited to not more than 20 minutes to any one Senator.

Mr. BLACK. Mr. President, I understood from the Senator from Oregon that the Senate would adjourn this afternoon and there would be a morning hour to-morrow.

Mr. JONES. The agreement will not interfere with that.

Mr. BLACK. It will not interfere with it?

Mr. JONES. No.

Mr. BLACK. Then we will have the regular morning hour to-morrow?

Mr. JONES. So far as the proposed unanimous-consent agreement is concerned, we may have a morning hour.

Mr. JOHNSON. Mr. President, if the Senator from Washington will pardon me——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. JOHNSON. Being somewhat interested in the item under discussion, I am very glad indeed to accept the suggestion of the Senator from Washington. I want possibly 10 minutes during the period of the discussion. I know the Senator from Nevada wants a very brief period—I do not speak for him or as to the amount of time he may require—but personally I shall require very, very little. However, if we have a morning hour to-morrow, may I suggest that it will be quite impossible, will it not, for us to keep the agreement with the Senators from Arizona and give each of them two hours?

Mr. JONES. I thought they would take some time this afternoon in discussing the item.

Mr. JOHNSON. Very well, if they are going to occupy two hours this afternoon, that is a different proposition.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. I yield.

Mr. PITTMAN. Of course, we have got to carry out the spirit of the agreement, if entered into, and it is possible for debate to prevent the carrying out of the proposed agreement. I do not think that there is any Senator who has any intention of violating the agreement, and yet I can see, as suggested by the Senator from California, that if we have a morning hour, which may run up until 2 o'clock, it will be very difficult for the two Senators from Arizona to speak for two hours and possibly two or three other Senators to take 10 or 15 minutes each.

Mr. JONES. I may say to the Senator that that is really the reason why I suggested that the Senate meet at 11 o'clock to-morrow.

Mr. PITTMAN. I think we should meet at 11 o'clock.

Mr. COUZENS. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. I yield.

Mr. COUZENS. I believe that the matter will be expedited by invoking cloture, and therefore I object.

The VICE PRESIDENT. Objection is made.

Mr. ASHURST addressed the Senate in opposition to the appropriation of $10,660,000 for the commencement of construction on the Boulder Canyon Dam and hydroelectric power plant. After having spoken for some time he yielded to the Senator from Oregon [Mr. McNARY].

Mr. McNARY. I ask unanimous consent that when the Senate concludes its work to-day it adjourn until 11 o'clock to-morrow and that at the conclusion of the routine morning business the unfinished business be laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ASHURST resumed and concluded his speech, which is as follows:

Mr. President, it is obvious that it is impossible now to reach a modus vivendi respecting an allotment of or distribution of time on this item.

I now tender an expression of gratitude to the Senator from Washington [Mr. JONES], to the Senators from California, and to the Senators from Nevada for the fair manner in which they have approached an attempt to reach an agreement with respect to the distribution of the time to be consumed in debate.

No matter how fiercely the contest over Boulder Dam has raged—and it has indeed raged with intensity for over seven years—I am pleased at this hour that I may say without any attempt to blow the incense of flattery upon any person that the Senators from Nevada and the Senators from California, able men all, and against whom I have been in oppugnancy respecting the Boulder Dam legislation, have been uniformly fair and have never dealt me a blow below the belt in this long and distressing contest. An objection to a request to distribute the time has been entered by an esteemed Senator, which objection will have the effect of requiring a vote on the cloture motion; but the cloture motion, if carried, can not now justly be laid at the door of the Senator from Washington [Mr. JONES] or at the door of the Senators from California or Nevada.

Mr. President, Arizona will take care of herself. I shall occupy my share of the time which we had expected to have allotted to Arizona under the proposed agreement to which objection has been made.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. ASHURST. I yield always to the able Senator from Nevada.

Mr. PITTMAN. Mr. President, of course, I am surprised that there should be an objection on the part of any Senator to an agreement in regard to a contested item in a bill when both sides to the contest have agreed. That form of filibuster is rather new in this body, and I think that anyone who would resort to such a filibuster should have no complaint against filibusters in the ordinary form.

My name was read out as the first signer of the petition asking for cloture. I did not sign that petition with any idea of discourtesy toward the two Senators from Arizona, nor with the purpose or desire of limiting them in their debate in any matter that they desired to discuss. I am satisfied that the debate on this particular item has very largely, if not entirely, reduced itself to a legal argument.

For nine years the facts in this matter have been debated in this body and before conference committees of the seven Colorado River States. There was a wide difference of opinion. I say to you that the first bill that was introduced here—not the bill to create the commission and authorizing the treaty, because that was introduced by me in April, 1921—but the first bill looking to the building of this project was introduced in this body by the Senator from California [Mr. JOHNSON], and in the other body by Congressman SWING. That bill primarily, as the Senator will remember, had for its beneficial end the protection of the Imperial Valley, furnish power for use in California, and for irrigation. It was a very laudable purpose, and we were all for it.

I wish to say that the fight made by the Senators from California from the time that Arizona refused to ratify the compact until the present time has been fair and courteous and constructive. We have in the Boulder Canyon act, which is to-day law, a reservation in favor of each of the States of Arizona and Nevada of a certain amount of power—not as much as we asked for, but a certain amount. We have reservations of revenue in lieu of taxation; and I say to you that those demands, in my opinion, never would have come to fruition except for the constructive fight made by the Senators from Arizona on behalf of their State; and in that fight I am proud to say that Nevada has constantly participated.

Mr. ASHURST. That is quite true.

Mr. PITTMAN. When I signed this motion for cloture it was because I realized that there can be but one question in this matter and that is a legal question. We can not go back into the facts involved in the Boulder Canyon act, because that has been tried out and that act is law. The question now is, Shall the law be carried out by an appropriation? There can be only one answer to it, and that is that the legal requirements of the Boulder Canyon act have not been complied with. That could not require long argument. I felt that perhaps an hour on each side would be sufficient; but it seems that two hours to each Senator is required. I have no doubt there are opinions to be read; there are other matters to be stated; but if it should transpire by 1 o'clock to-morrow that our agreement with these Senators could not be carried out by giving them two hours, while they would have received only one hour under the rule, I certainly should not vote for the petition that I myself was the first to sign.

I realize that a filibuster is impossible on a bill of this kind at a session that does not terminate at a fixed hour by the Constitution. I have filibustered alone and killed a bill of this type; but I was fortunate in the fact that by virtue of the Constitution we adjourned in a few hours after my fight started. If the constituency of the Senators from Arizona think it would be possible to defeat this bill at an unlimited session, they do not know our parliamentary procedure.

I think the Senators are entitled to two hours each. I am glad that we can arrange it, and I believe that it is the duty of every man here, even including the Senator from Michigan [Mr. COUZENS], to try to carry out that agreement.

Mr. ASHURST. I thank the Senator.

Mr. SWANSON. Mr. President, I understood the Senator from Arizona to state that as those in charge of this bill, and especially the chairman of the Committee on Appropriations,

had been so generous in awarding time, the Senator had no purpose of taking more than two hours each on this bill.

Mr. ASHURST. I have no idea of consuming any longer time than that; I could not do so legitimately.

Mr. SWANSON. It seems to me, therefore, that there is no occasion to push the petition for cloture. After this generosity accorded the Senator from Arizona, even in the closing hours of the session, he stated that he felt so grateful to these gentlemen that he would not speak over two hours anyway.

Mr. ASHURST. Mr. President, in my judgment the Senator from Nevada [Mr. PITTMAN] has correctly horoscoped the parliamentary situation. No conceivable amount of energy that the 2 Senators from Arizona or that any 20 Senators together could employ could defeat a bill by a filibuster when no time is set by the Constitution or by any resolution for adjournment of Congress. The only way by which the deficiency bill containing this contested item could be killed by a filibuster would be for my colleague and myself to speak until March 4, 1931. Hence all the rumor and the wild talk about the Senators from Arizona indulging in a senseless filibuster must have proceeded from those persons who did not realize that no conceivable amount of industry or energy can kill a bill by a filibuster when there has been no time set for adjournment, or where the 4th of March of an odd year is far away. The Senators from Arizona and the Representative from Arizona, in opposing this so-called Boulder Dam appropriation are not moved to do so by any spirit of revenge or resentment over the fact that we were defeated in the parliamentary forum by the enactment of the Boulder Dam legislation in December, 1928. Vigorous blows were struck and received on both sides during that contest. I bear on my breast, and my colleague bears on his breast, scars, reminders of the wounds we received in that contest. No scars appear upon our backs, as the Senators from California and from Nevada never struck a blow either below the belt or on the back. Be that as it may, I personally have no time and no inclination to indulge in any self-introspection; I am too busy to spend any time examining scars I received in the parliamentary battle. I do not believe in revenge; I do not practice revenge, and am truly sorry for those who believe in and who seek revenge. We from Arizona do, however, conceive it to be our duty to discuss this proposed appropriation and the so-called contracts, and I shall not in this speech discuss original equities, as I wish to examine these contracts.

The State of Arizona, in which I have resided for 55 years, has honored me beyond my desert and merit; very few men in the West have received more honors at the hands of their State than have I. Gratitude and an overwhelming obligation of duty toward Arizona require me to lift my voice to-day. On this occasion Senators who do me the honor to listen will perceive that I shall cling closely to my text after I shall have finished these preliminary observations.

I presume that many persons—many excellent persons—when they see a bill passed which they believe violates the Constitution, and takes from one State a great resource and grants that resource to another State, would become cynical and sour, and would allow the milk of their human kindness to turn to buttermilk, or otherwise to corrode them; but I assure you that in this long and furious contest I have remained sweet and reasonable. This Boulder Dam contest was the fiercest and the most bloody parliamentary contest of my entire career, and it was also one of the most protracted contests whichever engaged our attention.

Mr. President, I propound a parliamentary inquiry. Is it proper for me to refer to and to read to the Senate from any speech or debate that took place in the House, another body of Congress?

The VICE PRESIDENT. The present occupant of the chair thinks it is proper, because Jefferson's Manual has not been adopted as a part of the rules of the Senate. Jefferson's Manual has been adopted as a part of the rules of the House of Representatives.

The present occupant of the chair would hold, therefore, in view of the fact that the Senate has not adopted Jefferson's Manual as a part of the rules of the Senate, that a Senator has a right to refer to what occurred in the other body, provided it is done in parliamentary language.

Mr. ASHURST. I believe the Chair is correct; and I wanted to be certain.

I now call attention to the minority views submitted by my worthy colleague the junior Senator from Arizona [Mr. HAYDEN] respecting this proposed appropriation. I am supposed to have some familiarity with the opulent resources of the English language, but I do not believe that I could compress into more concise form the argument respecting this item in the appropriation bill as well as he has. I ask the clerk to read the same.

The legislative clerk read the report referred to, as follows:

[S. Rept. 1078, pt. 2, 71st Cong., 2d sess.]

SECOND DEFICIENCY APPROPRIATION BILL, 1930

Mr. HAYDEN, from the Committee on Appropriations, submitted the following minority views (to accompany H. R. 12902, the deficiency appropriation bill):

On behalf of the State of Arizona I recommend that the appropriation of $10,660,000 for the commencement of construction on the Boulder Canyon Dam and hydroelectric power plant be stricken from the bill for the following reasons:

First. A solemn promise made in order to secure the passage of the Boulder Canyon project act has not been kept. Congress was repeatedly assured that the city of Los Angeles would be the principal guarantor for the return of the money advanced by the Federal Government for the construction of the Boulder Canyon project. That city has guaranteed nothing.

Something alleged to be "just as good" has been substituted. Its bureau of power and water has made a contract for lease of power privilege which it is freely confessed can not be enforced against the city of Los Angeles. There is also good reason to justify the opinion that this contract can not be enforced against the bureau. Congress should beware of substitutes and insist that no appropriation of money will be made until the original pledge is redeemed in every detail.

Second. The contract for lease of power privilege is made subject to the condition that it shall not go into effect until after Congress makes an appropriation of money to commence construction of Boulder Canyon Dam. There is testimony in the committee hearings to prove that this contract is so drawn that the private power companies in California will gain control of over one-half of the firm energy produced at Boulder Dam and the major portion of the secondary energy.

This requires an immediate decision as to whether it is advisable for Congress to appropriate public money collected from taxpayers throughout the United States to produce cheap electric power which will be distributed at retail to consumers in one section of the country by private agencies for profit. Congress should not make the first appropriation to commence construction of Boulder Dam until this question has been thoroughly considered. Haste should be avoided because Congress has no power to abrogate a contract once made.

Third. Section 4 (a) of the Boulder Canyon project act authorizes an agreement or compact among the States of Arizona, California, and Nevada for an equitable division of the waters of the lower basin of the Colorado River. Arizona has in good faith diligently and earnestly endeavored to enter into such a compact. The commissioners representing that State have at no time sought to depart from the expressed intent of Congress with respect to the division of water which the act proposed.

California has consistently and persistently refused to divide the waters of the Colorado River Basin with Arizona. It is the intention of that State to avoid any agreement whatsoever with Arizona respecting an apportionment of water. Through the use of the money and the power of the Federal Government that State hopes to gain control of all the waters of the Colorado River which can possibly be used in California and hold the same by right of prior appropriation.

If the Federal Government will only keep out of this controversy, Arizona has no fear that California can gain any advantage over her. There is not water enough in the Colorado River to completely serve the needs of both States. Water is the chief factor which limits the growth of population and wealth in both Arizona and southern California. Arizona asks to be assured of a fair share of the water in the manner proposed by Congress in the Boulder Canyon project act. Until California is willing to do what Congress has thus indicated should be done, no appropriation should be made to commence construction of the Boulder Canyon Dam. Federal funds and Federal influence should not be used to confer benefits on one State to the detriment of another.

Respectfully submitted.

CARL HAYDEN.

Mr. ASHURST. Mr. President, for the aid and assistance of the official reporters of the Senate, if, indeed, they need any aid or assistance, let me state that I have no "prepared" speech. My argument will be legalistic and I shall read from many documents. Moreover, after some considerable parliamentary experience and experience on the stump I am not in favor of the so-called prepared speech when read from manuscript. The prepared speech delivered from manuscript sets up sentinels of orthodoxy, of caution, and reserve. The prepared speech read from manuscript whittles away and refines the points so that they do not come hot from the heart and hot from the brain, and I know that the efficiency, skill, and fidelity of the official reporters of the Senate will enable them to gather what I say.

The Boulder Dam law, which was approved in December, 1928, contained in it a subdivision of section 4, as follows:

(b) Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Mr. President, regarding the genesis of that subdivision (b) of section 4 of the Boulder Dam act; I shall not resort to statements made ora tenus in the committee rooms, or to arguments made of which there was no stenographic report, but I confine myself to the written reports of the chairmen, respectively, of the Senate and House Committees on Irrigation and Reclamation.

Reading first from the report submitted by Representative SMITH, the chairman of the House Committee on Irrigation and Reclamation, at page 12 of that report, the following headline appears:

GOVERNMENT FULLY ASSURED A RETURN OF ITS ADVANCES

Not only does the bill specifically require the complete prefinancing—

In many of the arguments that word has been printed as "refinancing," but the word is "prefinancing." I read:

Not only does the bill specifically require the complete prefinancing of the project but the nature of the agencies which will underwrite the cost are such that there will never be any question of the prompt and businesslike meeting of all financial obligations. These agencies will be of established solvency.

Referring now to the report from the Senate Committee on Irrigation and Reclamation which was submitted on the Boulder Dam bill by the senior Senator from California [Mr. JOHNSON], who at that time was the chairman of the Senate Committee on Irrigation and Reclamation, and to whom I now make due acknowledgment for many courtesies received at his hands whilst he was the chairman of that committee, I find that on page 28 of his report this headline, "Return of Advances Fully Assured," followed by this language:

The provisions of the bill and the character and solvency of the organizations with which the Secretary will contract assures to the Government full return of the money advanced with interest. It will be no experiment. The Secretary will not be contracting with organizations of doubtful solvency.

Further, on page 29, he stated in his report:

These contracts will be binding and enforceable, and the Secretary is not permitted to make any expenditures on the project until such acts are secured.

Mr. President, not a few votes for the Boulder Dam bill were secured in the House of Representatives upon the very statements I have just read from the committee's report, to wit, that no money should be expended and no work should be begun on the project unless and until the Secretary of the Interior had made and entered into firm contracts concerning which there could be no doubt as to their solvency and sufficiency, but would safely and surely secure a repayment to the Government of the moneys advanced to finance the Boulder Canyon project.

What has happened? Purported contracts, indeed, have been entered into, and availing myself now of the ruling of the Chair respecting my privilege to read from the proceedings of another body of Congress, I read an excerpt from a speech delivered by Representative OLIVER, of Alabama. And I wish it distinctly understood that in reading this I do not intend any reflection upon the President of the United States, the Secretary of the Interior, the Commissioner of Reclamation, the Assistant Secretary of the Interior, or upon any other person.

Reading from Mr. OLIVER'S speech, at page 11359 of the CONGRESSIONAL RECORD, proceedings of June 20:

Without in any way intending to reflect upon the Secretary, since it is but a human element I call attention to and such as one might refer to before a jury, permit me to say the Secretary was in an embarrassing position. Here was a matter that California was deeply interested in, and you had conferred on him very plenary powers, involving judgment and discretion. He is a Californian. The President is a Californian. The head of the Reclamation Service, who was also to be consulted, is a Californian. The assistant to the head of the Reclamation Service is a Californian. The gentleman selected to solicit the necessary contracts is a Californian. The Assistant Secretary of the Interior is a Californian.

I submit, then, that when we come to determine for the Nation the efficiency of a contract or contracts drawn by friends, who may perchance unconsciously lend too great faith, too great force to promises of Californians, it behooves Congress to be careful; and I submit that while to some of you the proposed limitation may seem to be stronger than you now wish to impose, you will find, I venture to predict, before you have finished making appropriations for Boulder Dam that you will require exactly what this limitation seeks now to do. You may postpone it; you will not omit it. Why? Because if you will read the opinion of the Attorney General you will find that this contract, on which the Secretary of the Interior bases his estimate of returns sufficient to compensate the Government for all moneys appropriated, is largely dependent on the contract of an agency of the city of Los Angeles, namely, its water and power bureau, whose only assets are receipts from the sale of water and power, and which agency now has a bonded indebtedness, I am informed, of about $78,000,000, and whose properties in the way of tangible effects are vested in the city and not subject to its debts.

I have only a passing acquaintance with Representative OLIVER, but his speech is an evidence of his depth and profundity of thought, and it occurs to me that it should be read here to-day. Mr. President, Representative OLIVER is not the only person who had the same view with respect to these contracts that many of the Arizona citizens hold.

I am about to resort to a somewhat unusual procedure. I am going to ask that the hearings, excluding illustrations, held before the House Committee on Appropriations regarding Boulder Dam be printed in the RECORD.

Mr. WALSH of Massachusetts. Are they very voluminous, may I ask the Senator?

Mr. ASHURST. There are over 300 pages.

Mr. WALSH of Massachusetts Could not the Senator abbreviate them?

Mr. ASHURST. That would not be practicable. The hearings before the House committee on this item are voluminous and comprehensive.

Mr. WALSH of Massachusetts. Would not the Senator be satisfied with having them printed in the RECORD in connection with his remarks?

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

Mr. MCNARY. Mr. President, may I ask the Senator if the hearings which he holds in his hands were printed as a Government document?

Mr. ASHURST. Yes.

Mr. MCNARY. Available now to everyone?

Mr. ASHURST. They are available in a limited number.

Mr. MCNARY. Would not the Senator be just as willing to have the matter made a Senate document rather than have it printed in the RECORD?

Mr. WALSH of Massachusetts. I am sure the Senator will agree that there is altogether too much extraneous matter printed in the RECORD. The RECORD has fallen into disrepute because of that practice.

Mr. MCNARY. I suggest to the Senator that he ask permission to have the matter printed as a Senate document.

Mr. SHORTRIDGE. Are there not now a sufficient number of copies available?

Mr. ASHURST. There is a wide demand for these hearings. I have, by courtesy of the clerk, been able to obtain seven copies. However, I appreciate the force of the suggestion of the Senator from Massachusetts that we should not encumber the RECORD with committee hearings already printed. Therefore I shall withdraw my request to print these 300 pages in the CONGRESSIONAL RECORD.

Mr. WALSH of Massachusetts. That is a commendable attitude the Senator is taking. It is a good example he is setting.

Mr. ASHURST. Although I should have been glad to have these hearings printed in the RECORD, I do not want to establish a bad precedent.

Mr. President, Arizona does not regard the people of California as enemies. Many of Arizona's citizens came from California into Arizona. We are not enemies. We are friends and neighbors. The only harsh thing we have to say about our neighbor, California, is that she is reckless and careless in the distribution of water and hydroelectric possibilities belonging to other people.

I now read from the hearings:

SITUATION IN CASE OF BREACH OF CONTRACT BETWEEN LOS ANGELES AND GOVERNMENT

(See pp. 994, 1000)

Mr. BUCHANAN. Just suppose that the city should breach its contract and the Government should file a suit and get a judgment against the city, as it looks as though they would have a right to do under this

contract, what is the law, can anyone here tell me, in California, as to whether or not you can compel a city by mandamus to issue a tax to pay the judgment against it?

Mr. ELY. We have made a search of the authorities on that point; and that is true, as I understand it, in California.

Mr. BUCHANAN. Then, if you recover a judgment against the city for a breach of its contract, you can compel it to levy a tax upon its property to pay the judgment?

Mr. ELY. That is our conclusion, provided deficiency in power reserves requires it. That is your understanding also, Mr. Matthews, is it?

Mr. William B. Matthews is the general counsel of the Metropolitan Water District of Southern California.

Mr. MATTHEWS. I would not agree to that. As I say, this contract by the city is based on the power business. It is authorized to buy and sell and generate power and collect. Judgments can be obtained against it.

The CHAIRMAN. Assuming that some misfortune overtakes Los Angeles and wipes it out, in consequence the contract is breached and the United States Government proceeds to enforce the contract by a suit and gets a judgment for damages. How would it collect it?

Mr. MATTHEWS. You mean if the power business became nonexistent?

The CHAIRMAN. Yes.

Mr. MATTHEWS. And it did not revive? I suppose the same situation would exist as it would with any power company. If you destroy the company and its business and its plant, the same situation would exist.

Mr. BUCHANAN. Then, this judgment would be against the power company and not against the city; is that it?

Mr. MATTHEWS. Against the city with reference to its power business. This contract reads in the name of the city of Los Angeles.

Mr. AYRES. It would be limited to that?

Mr. MATTHEWS. Yes.

Mr. BUCHANAN. You think the collection of a judgment would be limited to the assets of the power business?

Mr. MATTHEWS. To the assets of the bureau, which are indicated by the files here.

Mr. President, I have known Mr. Matthews for, I presume, 25 years; he is an able lawyer. He made no attempt to evade the plain effect and force of that question, but manfully replied to the same. In the last analysis, if the Government were required to seek a return of the moneys advanced on this project, according to Mr. Matthews, the able lawyer from Los Angeles, the Government would be limited to the assets of the Bureau of Power and Light of the city of Los Angeles.

These contracts or agreements entered into by the Secretary of the Interior have been assailed upon the ground, amongst others, that they are unilateral; they are voidable; they are one-sided; and that the authorities assuming to act and contract with the Secretary of the Interior did not have warrant of law, did not have authority, or power to make such contracts. Among other reasons assigned for that contention is that the constitution of the State of California requires that before such expenditures may legally be authorized there must be a plebiscite or a vote of the qualified electors thereon. I shall read, omitting irrelevant portions, from the constitution of that State. Section 18 of article 11 of the constitution of California provides:

No * * * city * * * shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed 40 years from the time of contracting the same—

Omitting further irrelevant matter—

any indebtedness or liability incurred contrary to this provision * * * shall be void.

Mr. President, these alleged contracts or agreements between the United States and the city of Los Angeles and the Southern California Edison Co. regarding leases of generating equipment, and the sale of water for the generation of electrical energy contracts between the United States and the Metropolitan Water District regarding the purchase of power, and contracts between the United States and the Metropolitan Water District regarding the purchase of water are intended and expected to be in force and effect when the youngest of the page boys who serve us here shall have retired from the active pursuits of life and shall be concerned and interested only in discussing the events of bygone days or dandling his grandchildren upon his lap. How dare we of to-day speculate as to the future with any degree of certainty as to values unless we have more assurances than are furnished by these contracts? How do we know what in a score of years from to-day the courts may say as to authority of the Bureau of Power and Light of the city of Los Angeles or those attempting to contract?

The people everywhere are demanding public improvements, and for their security, their safety, and their repose they have placed into the constitutions of the various States provisions which will not permit the legislature, nor the executive officers, willy-nilly, nolens volens, without the vote of the people, to pile up vast indebtedness.

The approval by Congress of this appropriation, and the approval by Congress of these contracts, in disregard of that provision of the California constitution requiring a plebescite or a vote of the qualified voters, will be sowing dragons' teeth which will bring a crop of lawsuits that will be the delight of lawyers, and will be the pest, the annoyance, and the distress of the people.

Now is the time to comply with the provisions of the Boulder Dam law and to comply with the assurances of the House committee report and the Senate committee report, and to see to it that these contracts shall comply with the Boulder Dam act, and that as to their solvency there shall be no doubt.

I do not desire to be dogmatic, but to my mind the alleged contracts are more similar to options than to contracts. There is no mutuality of obligation as was contemplated by the Boulder Canyon Dam act.

To this generation has been given the key to the kingdom of the phenomena of the world.

The atom until recently was considered the final indivisible particle of matter; in fact that is what the word atom means, indivisible. Each atom was considered, and still is, to consist of a single element; that is, a free particle of carbon, hydrogen, nitrogen, or of any other of the 90 or so elements that have been segregated and identified.

The atom is probably really a compound itself, or, at any rate, we know that the difference in atoms which make the elements is due to the difference in the number of electrons contained in the various atoms. We also know that the atom breaks up; that is, comes apart and goes back together just as the molecule does. But there is this difference: Science knows how to break up molecules and put them back together again, or make entirely different molecules out of the raw materials we obtain in this way, but we do not know how to break up the atom.

As soon as the chemical engineer discovers a way for breaking up all atoms and making elements out of them he will be able to make almost anything he wants to make.

Probably within a score of years inventive genius and the further advance of science into the mysteries of the universe may release the atom and thus the price of hydroelectric energy, and indeed the need of hydroelectric energy may become changed; therefore the contracts must be viewed in this light.

We of this day must look at this matter just as if we were directors of a bank, and were called upon to approve a loan of an enormous sum of money.

Mr. President, during the hearings before the House Committee on Appropriations regarding this Boulder Dam appropriation the question was asked of the advocates of the appropriation, "Have you secured the opinion of the Attorney General?" The honorable Secretary of the Interior or those responding for him said, "We have secured the opinion of the solicitor of our department." I have a high regard for the solicitor, Mr. Finney; he is an able lawyer, a high-minded gentleman, who has rendered great public service. His opinion is entitled to respect; but lawyers differ. Many decisions of our United States Supreme Court are not unanimous. So when the committee ascertained that the opinion of the Attorney General of the United States respecting these contracts had not been obtained surprise was manifested, and the Attorney General's opinion was requested and was furnished. Time does not permit me now to read the entire opinion, but I ask—it will not encumber the RECORD unduly—to have printed in the RECORD the opinion of the Attorney General.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Without objection, it is so ordered.

The opinion referred to is as follows:

OPINION OF ATTORNEY GENERAL

SIR: I have the honor to acknowledge receipt of your communication of June 6, 1930, transmitting a letter dated June 6, 1930, from the Secretary of the Interior advising that, as required by section 4 (b) of the Boulder Canyon project act (45 Stat. 1057) a contract has been secured with the city of Los Angeles, its department of water and power, and the Southern California Edison Co. (Ltd.), which will provide revenue adequate in his judgment to pay operation and maintenance costs and insure repayment to the United States within 50 years from the completion of the dam, power plant, and related works of all amounts to be advanced for the construction of such works, together

with the interest thereon made reimbursable by the act, and that in addition two contracts have been secured with the Metropolitan Water District of Southern California which will provide additional revenues for such purpose, and requesting that the opinion of the Attorney General be obtained as to whether or not these contracts comply with all the requirements of section 4 (b) of the Boulder Canyon project act which are by that section made conditions precedent to the appropriation of money, the making of contracts, and the commencement of work for the construction of a dam and power plant in Boulder Canyon.

Responsive to your request for my opinion upon these questions, I have the honor to advise you as follows:

Section 4 (b) of the Boulder Canyon project act provides:

"(b) Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act."

The contracts in question are:

(1) A contract dated April 26, 1930, between the United States of America and the city of Los Angeles and the Southern California Edison Co. (Ltd.), entitled "Contract for Lease of Power Privilege, as Amended by Supplemental Contract dated May 28, 1930."

(2) A contract dated April 26, 1930, between the United States of America and the Metropolitan Water District of Southern California, entitled "Contract for Electrical Energy, as Amended by a Supplemental Contract dated May 31, 1930."

(3) A contract dated April 24, 1930, between the United States of America and the Metropolitan Water District of Southern California, entitled "Contract for Delivery of Water."

The Contract for Lease of Power Privilege, as amended, recites—

"(1) This contract, made this 26th day of April, 1930, pursuant to the act of Congress approved June 17, 1902 (31 Stat. 388), and acts amendatory thereof and supplementary thereto, all of which acts are commonly known and referred to as the reclamation law, and particularly pursuant to the act of Congress approved June 21, 1928 (45 Stat. 1057), designated the Boulder Canyon project act, between the United States of America, hereinafter referred to as the United States, acting for this purpose by Ray Lyman Wilbur, Secretary of the Interior, hereinafter styled the Secretary, and severally the city of Los Angeles, a municipal corporation and its department of water and power (said department acting herein in the name of the city but as principal in its own behalf as well as in behalf of the city; the term "city" as used in this contract being deemed to mean both the city of Los Angeles and its department of water and power) and the Southern California Edison Co. (Ltd.), a private corporation, hereinafter styled the company, both of said corporations being organized and existing under the laws of the State of California and hereinafter styled the lessees."

The original and supplemental contracts for lease of power privilege were executed in the name of the city of Los Angeles, acting by and through its board of water and power commissioners, by the president of the board. The supplemental contract contains a recital that it was the intention that the department of water and power of the city of Los Angeles, as well as the city of Los Angeles, should be firmly bound as principals by the original contract of April 26, 1930, and the parties adopt and reaffirm the original contract as amended. The department of water and power commissioners, by the president of the board, executed the supplemental contract.

There have been submitted to me certified copies of resolutions adopted by the board of water and power commissioners, and of resolutions and ordinances adopted by the council of the city of Los Angeles authorizing the execution of these contracts. Section 386 of the charter of the city of Los Angeles provides that contracts shall not be made without advertising for bids; but this section does not apply to contracts such as those here in question relating to a matter about which there is no competition and where advertising for bids would have been futile. (Los Angeles Gas & Electric Corp. *v.* City of Los Angeles, 188 Cal. 307, 319.) In my opinion, the ordinances and resolutions were sufficient to authorize the president of the board of water and power commissioners to execute the contracts.

In substance the contract, as amended, imposes upon the city acting by and through its department of water and power, and therefore upon the department itself: First, the obligation, when the dam is completed and the generating equipment has been installed by the Government, to take over as lessee the generating plant and operate it, paying as rental in 10 annual installments the cost to the United States of the generating equipment, with interest at 4 per cent; second, the obligation to pay for electrical energy, as furnished, at stated rates; third, an obligation to operate and maintain at cost the transmission lines required for transmitting power to the pumping plants of the Metropolitan Water District, and to transmit over its main transmission line the power allocated to others for compensation based on a reasonable share of the cost of construction, operation, and maintenance. As none of the transmission lines have been built, performance of these obligations will require their construction.

Under the provisions of the charter of the city of Los Angeles, the department of water and power is specifically authorized to construct, operate, maintain, extend, manage, and control works and property for the purpose of supplying the city and its inhabitants with water and electric energy. To this department of the city government is intrusted full responsibility and control in entering into such contracts as those here involved. Quite in conformity with the charter provisions the city, in its execution of the original and supplemental contracts for lease of power privilege, is described as acting by and through its board of water and power commissioners. The contract as amended is, therefore, to be regarded as made in the name of the city, but subject to all of the provisions of the charter of the city of Los Angeles relating to contracts executed by the department of water and power, and the question of the validity of this contract and the character of the resources available to secure its performance must be determined from a consideration of the power of the board of water and power commissioners of the department of water and power to make such a contract, and the sufficiency of the resources of the city which are specifically allocated under the terms of the charter to its control and expenditure in the performance of the obligations of such contracts.

Under the charter of the city of Los Angeles revenues for such purposes as those contemplated by these contracts are provided through the operations of the department of water and power, which, although an entity separate from the city for some purposes (Shelton *v.* City of Los Angeles, 275 Pac. 421), is a department of the city government. Its revenues are revenues of the city, but are allocated to the control and disposition of the department.

The charter provisions which are pertinent in this connection are as follows:

"SEC. 220. The department of water and power shall have the power and duty—

"(1) To construct, operate, maintain, extend, manage, and control works and property for the purpose of supplying the city and its inhabitants with water and electric energy, or either, and to acquire and take, by purchase, lease, condemnation, or otherwise, and to hold, in the name of the city, any and all property situated within or without the city, and within or without the State, that may be necessary or convenient for such purpose.

"(2) To regulate and control the use, sale, and distribution of water and electric energy owned or controlled by the city; the collection of water and electric rates and the granting of permits for connections with said water or electric works; and to fix the rates to be charged for such connections; and, subject to the approval of the council by ordinance, to fix the rates to be charged for water or electric energy for use within or without the city, and to prescribe the time and the manner of payment of the same. * * *

* * * * * * *

"(7) To control and order, except as otherwise in this charter provided, the expenditure of all money received from the sale or use of water, or from any other source in connection with the operation of said waterworks, and all money received from the sale or use of electric energy, or from any other source in connection with the operation of said electric works: *Provided*, That all such money pertaining to said waterworks shall be deposited in the city treasury to the credit of a fund to be known as the water-revenue fund, and all such money pertaining to said electric works shall be deposited in the city treasury to the credit of a fund to be known as the power-revenue fund; and the money so deposited in each such fund shall be kept separate and apart from other money of the city, and shall be drawn only from said fund upon demands authenticated by the signature of the chief accounting employee of the board.

"SEC. 221. None of the money in or belonging to the water-revenue fund or the power-revenue fund shall be appropriated or used for any purpose except the following purposes pertaining to the municipal works from or on account of which such money was received, to wit:

"First. For the necessary expenses of operating and maintaining such works.

"Second. For the payment of the principal and interest, or either, due or coming due upon outstanding notes, certificates, or other evidences of indebtedness issued against revenues from such works, in pursuance of section 224, or bonds or other evidences of indebtedness, general or district, heretofore or hereafter issued for the purpose of such works, or parts thereof.

"Third. For the necessary expenses of constructing, extending, and improving such works, including the purchase of lands, water rights, and other property; also the necessary expenses of conducting and extending the business of the department pertaining to such works; also for reimbursement to another bureau on account of services rendered or material, supplies, or equipment furnished; also for expenditures for purposes for which bonds or evidences of indebtedness provided for in section 224 shall have been authorized, subject to reimbursement as soon as practicable from moneys derived from the sale or issuance of such bonds or evidences of indebtedness.

"Fourth. To return and pay into the general fund of the city, from time to time, upon resolution of the board, from any surplus money in either such revenue fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the municipal works to which such revenue fund pertains, or of liability arising in connection with the construction, operation, or maintenance of the municipal works to which said fund pertains.

"Fifth. For defraying the expenses of any pension system applicable to the employees of the department that shall be established by the city.

"Fifth (a). For establishing and maintaining a reserve fund to insure the payment at maturity of the principal and interest on all bonds now outstanding or hereafter issued for the purpose of the municipal works, and such other reserve funds pertaining to such works as the board may provide for by resolution subject to the approval of the council by ordinance. The money set aside and placed in such fund or funds so created shall remain in said fund or funds until expended for the purposes thereof and shall not be transferred to the 'reserve fund' of the city.

"Sixth. To be transferred as provided in section 382 of this charter.

"SEC. 222. The board shall provide for the cost of extensions and betterments of said water works and electric works from the funds derived from the sale of bonds, general or district, so far as such funds shall be made available for the use of the board for said purposes, and so far as such funds shall not be made available for the use of the board therefor, from revenues received from the works to which such extensions and betterments pertain, and from the proceeds of loans contracted as provided by section 224."

* * * * * * *

"SEC. 382. At the close of each fiscal year the controller and treasurer shall transfer all surplus money remaining in each fund over and above the amount of outstanding demands and liabilities payable out of such fund to the 'reserve fund,' except such surplus money as is in the several bond funds, interest, and sinking funds, trust funds, the fire and police pension fund, the harbor revenue fund, the library fund, the park fund, the permanent improvement fund, the playground and recreation fund, the power revenue fund, and the water revenue fund, but the council may by ordinance direct that any or all said surplus money in either the harbor revenue fund, the power revenue fund, or the water revenue fund be transferred to such reserve fund with the consent of the board in charge of such fund, but not otherwise."

Leaving entirely out of consideration the proceeds from the sale of bonds, which would no doubt require, under section 18 of article 11 of the State constitution, the approval of two-thirds of the electors, and leaving entirely out of consideration the proceeds of loans contracted as provided by section 224 of the city charter, which are authorized only for emergency purposes, and bearing in mind that the department of water and power is not authorized to levy taxes, it is apparent that its resources are limited to its earnings from the sale or use of water and of electric energy, and that over these revenues it has complete control of expenditure for the construction, operation, and maintenance of all works and property for the purpose of supplying the city and its inhabitants with water and electric energy.

I am advised by the Secretary of the Interior that yearly revenues of his department are more than ample to meet all of its liabilities under the original and amended contracts, and, therefore, to relieve the city of any necessity of financing the obligations which will arise under these contracts; that these revenues under the department of water and power are not only amply sufficient for this purpose, but its yearly earnings will in his judgment be amply sufficient to provide for the construction of the transmission lines as well.

The only limitation upon the expenditure of such funds by this department is found in section 369 of the charter of the city of Los Angeles, which reads:

"No department, bureau, division, or office of the city government shall make expenditures or incur liabilities in excess of the amount appropriated therefor."

The method of appropriation is, however, provided in section 83 as follows:

"The board of each department * * * the finances of which are not included in the general budget, but which department itself has control of definite revenues or funds, as elsewhere in this charter set forth, shall, prior to the beginning of each fiscal year, adopt an annual departmental budget and make an annual departmental budget appropriation, covering the anticipated revenues and expenditures of said department. Such departmental budget shall conform, as far as practicable, to the forms and times provided in this charter for the general city budget. Each such budget shall contain a sum to be known as the unappropriated balance, which sum shall be available for appropriation by the board later in the ensuing fiscal year to meet contingencies as they may arise. A copy of such budget, when adopted, and of every resolution subsequently adopted making appropriation from said unappropriated balance, shall promptly be filed with the mayor and controller each. No expenditure shall be made or financial obligations incurred by any such department except as authorized by the annual departmental appropriation, or appropriations made subsequent to said annual budget."

Question arises under section 369 of the charter as to whether by the execution of the original and amended contracts a present liability was incurred for the payments to be made thereunder in the future. No authorities have been found construing this charter provision, but similar questions have often arisen under section 18 of article 11 of the constitution of the State of California, and although this constitutional limitation has no application to contracts made by the department of water and power these authorities must be considered in determining the effect of section 369 of the charter upon the validity of the contracts here in question.

Section 18 of article 11 of the constitution of California, provides:

"No county, city, town, township, board of education, or school district shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed 40 years from the time of contracting the same; * * *. Any indebtedness incurred contrary to any provision of this section shall be void; * * *."

The obvious purpose of this limitation is to prevent the city from incurring indebtedness in excess of its yearly revenue, and the question has often arisen in the courts of California as to when an indebtedness or liability is incurred, within the meaning of this provision, when a contract is executed requiring payments to be made from time to time in the future.

There is authority for the proposition that when a municipality receives the entire consideration for its promise to make payments or incur expenditures in the future, a liability is immediately incurred under the provisions of the State constitution. (See Chester *v.* Carmichael, 187 Calif. 287; In re City and County of San Francisco, 195 Calif. 426; Mahoney *v.* City and County of San Francisco, 201 Calif. 248.) But a municipality does not incur an "indebtedness" or "liability" invalid under the constitutional provision when it enters into a contract to pay for services as and when rendered from time to time in the future. The obligations here involved to pay rental and power rates can not be said to be incurred until the rental accrues and the power is received. Such liabilities are held, for the purpose of this constitutional provision, to be incurred when the services have been rendered and the obligation to pay for them arises. (See McBean *v.* Fresno, 112 Calif. 195; Smilie *v.* Fresno County, 112 Calif. 311; Doland *v.* Clark, 143 Calif. 176; In re City and County of San Francisco, 191 Calif. 172; Compare Walla Walla *v.* Walla Walla Water Co., 172 U. S. 1.)

It may, however, be said that if a contract imposes upon the municipality liabilities to arise in the future which in any year will necessarily exceed the income and revenue provided for such year, it will be invalid. The courts have held that the aggregate of all payments which will be required under such a contract is not to be regarded as a liability presently incurred upon the execution of the contract, and thus incurred within the year of its execution; but they have not held that a municipality may, in the face of the constitutional limitation incur future liabilities which will exceed the income and revenue for the year in which payment thereof will be required and so to hold would appear to be in direct contradiction of the express provision of the constitution.

The city acting though its department of water and power will be under the necessity to construct transmission lines over which the power for which it has agreed to pay may be transmitted, but in so far as the parties to this contract are concerned it is under no express obligation to do so. Under no circumstances will it be necessary for the city to construct transmission lines in advance of the completion of the dam and generating equipment, and if, therefore, it appears that during this period it will be able to finance such construction out of current revenues of its department of water and power, I am of the opinion that no legal objection can be made to the contract as amended because of the necessity or liability which may arise to defray these construction costs.

Consideration of these authorities leads to the conclusion that the department of water and power has not incurred a present liability upon the execution of these contracts, and therefore the only effect of section 369 is to require the appropriation in each annual budget of sufficient funds from the water and power revenues to meet the obligations which will arise under and in connection with the performance of these contracts. Inasmuch as the Secretary of the Interior is clearly of the opinion that such funds will be available and ample for all such purposes, I see no reason for doubting the validity of the contract or for questioning its effect in securing payment to the United States of the amounts of money which will become payable under its terms.

With reference to the validity of the obligation assumed by the Southern California Edison Co. (Ltd.), its execution of the original contract has been formally approved by its board of directors, and I am informed that the supplemental contract has been duly ratified by the board.

There can be no question, therefore, as to the binding effect of this contract upon this corporation.

By the supplemental agreement amending the original "contract for lease of power privilege" all objections which might have been raised to the validity of this contract upon the ground that the city, the department of water and power, and the company were not bound to take or pay for any electrical energy except as they might wish, have been removed. Mutuality of obligation is not lacking, and the city and its department are firmly bound to take and/or pay for certain percentages of firm energy as stated and defined in the supplemental contract and the company is similarly bound to take or pay for certain percentages of such energy which are also defined and stated in the supplemental contract.

The "contract for lease of power privilege" between the United States, the city of Los Angeles, its department of water and power, and the Southern California Edison Co. (Ltd.) is in my opinion a valid agreement binding upon the city and its department to the extent to which funds are available under the provisions of the charter to the department, and is in full compliance with section 4 (b) of the Boulder Canyon project act, since the revenues which it will provide out of such funds are, in the judgment of the Secretary of the Interior adequate to meet the requirements of that section.

Objection has been made to the Metropolitan Water District Power contract on the ground that the district has not yet voted bonds to provide funds to build the aqueduct on which this power would be used. It is unnecessary to consider which step must precede the other—provision for the aqueduct or provision for power and water—in view of the sufficiency of the city and company contracts to meet all requirements of the act. Even if the aqueduct financing were construed as being a prerequisite, the Secretary's reservation of energy for the district is within his authority under the second paragraph of section 5 (c) of the act.

Giving consideration only to the city and company contract, I am of the opinion that all the requirements of section 4 (b) of the Boulder Dam project act which are made conditions precedent to the appropriation of money, the making of contracts, and the commencement of work for the construction of a dam and power plant in Boulder Canyon have been fully met and performed by the Secretary of the Interior in securing the contracts referred to in his letter.

Respectfully,

WILLIAM D. MITCHELL,
Attorney General.

The PRESIDENT,
The White House.

Mr. ASHURST. Mr. President, let me say that one of the best appointments President Hoover has made is that of the present Attorney General. Mr. Mitchell is a man of character, of ability, and sincerity, and he approaches legal problems with a real desire to solve them. I violently and tumultuously disagreed with his recommendation of a certain nominee to be a justice of the Supreme Court of the United States, but with enormous appreciation and eagerness, I supported and I voted for another gentleman whom he recommended to the President for Chief Justice of the United States. So while at times I agree with the Attorney General and at times I do not, I say he is a man worthy to hold that great office.

In his opinion he says:

Question arises under section 369 of the charter as to whether by the execution of the original act and amended contracts a present liability was incurred for the payments to be made thereunder in the future. No authorities have been found construing this charter provision, but similar questions have often arisen under section 18 of article 11 of the constitution of the State of California, and although this constitutional limitation has no application to contracts made by the department of water and power these authorities must be considered in determining the effect of section 369 of the charter upon the validity of the contracts here in question.

Then he quotes in extenso section 18, article 11, of the constitution of California. After quoting he says:

The obvious purpose of this limitation is to prevent the city from incurring indebtedness in excess of the yearly revenue, and the question has often arisen in the courts of California as to when an indebtedness or liability is incurred, within the meaning of this provision, when a contract is executed requiring payments to be made from time to time in the future.

There is authority for the proposition that when a municipality receives the entire consideration for its promise to make payments or incur expenditures in the future, a liability is immediately incurred under the provisions of the State constitution.

But a municipality does not incur an "indebtedness" or "liability" invalid under the constitutional provision when it enters into a contract to pay for services as and when rendered from time to time in the future. The obligations here involved to pay rental and power rates can not be said to be incurred until the rental accrues and the power is received.

Mr. President, with all due deference to the Department of Justice, lawyers everywhere may be found who do not agree with this opinion. It seems to be a strained opinion.

Mr. President, it, of course, is to be presumed that the State of Arizona has not been without legal advice upon these various questions. The attorney general of Arizona and the Colorado River commissioners are able, learned lawyers, upon whose opinions we may rely. I have no doubt—indeed, I here assert—that the bar in Arizona is as able, as experienced, and as learned as the bar of any other State in the Union. Disproportionate as is the population of Arizona to or with the population of California, New York, Texas, Missouri, or Pennsylvania, there is no disproportion as to the legal ability respecting Arizona lawyers when compared to the other States. In order to be fair and impartial, Hon. LEWIS W. DOUGLAS secured an opinion respecting these alleged contracts from a firm of lawyers in this city, Messrs. Covington, Burling & Rublee.

They are lawyers in whose judgment and capacity people everywhere place reliance. They are men whose opinions among lawyers are respected. I ask to print along with the opinion of the Attorney General of the United States the opinion of Messrs. Covington, Burling & Rublee, dated Washington, June 3, 1930, on these contracts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OPINION IN REGARD TO BOULDER DAM CONTRACTS

Hon. LEWIS W. DOUGLAS,
House of Representatives, Washington, D. C.

DEAR SIR: You have asked our opinion in regard to the following situation:

Under date of May 1, 1930, the President of the United States transmitted to the Speaker of the House of Representatives a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1930 to remain available until expended, amounting to $10,660,000. The estimate transmitted was prepared by the Director of the Bureau of the Budget and states the following:

"The purpose of this estimate is to provide funds for the commencement of construction work on the Boulder Canyon project, authorized by the act of December 21, 1928. The Secretary of the Interior advises that, as required by the act, contracts have been secured which will provide revenues adequate in his judgment to pay operation and maintenance costs, and insure repayment to the United States within 50 years from the completion of the dam, power plant, and related works of all amounts to be advanced for the construction of such works, together with the interest thereon made reimbursable by the act."

The contracts referred to by the Secretary of the Interior consist of three documents, as follows:

1. "Boulder Canyon Project Contract for Lease of Power Privilege," dated April 26, 1930, executed on behalf of the United States by Ray Lyman Wilbur, Secretary of the Interior, on behalf of the city of Los Angeles, acting by and through the board of water and power commissioners, by John R. Haynes, president, and on behalf of Southern California Edison Co. (Ltd.), by John B. Miller, president.

2. "Boulder Canyon Project Contract for Delivery of Water," dated April 24, 1930, executed on behalf of the United States by Ray Lyman Wilbur, Secretary of the Interior, and on behalf of the Metropolitan Water District of Southern California, by W. P. Whitzett, chairman of the board of directors.

3. "Boulder Canyon Project Contract for Electrical Energy," dated April 26, 1930, executed on behalf of the United States by Ray Lyman Wilbur, Secretary of the Interior, and for the Metropolitan Water District of Southern California by W. P. Whitzett, chairman of the board of directors.

The act of December 21, 1928, known as the Boulder Canyon project act (45 Stat. L. 1057), in section 4 (b) provides as follows:

"Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenue by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said work, of all amounts advanced to the funds under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act."

You asked for our opinion as to whether the documents referred to above and designated as contracts by the Secretary of the Interior constitute a compliance with the provisions of section 4 (b) of the Boulder Canyon project act referred to above.

PART I

Opinion

Section 4 (b) of the Boulder Canyon project act requires that the provisions for revenues by contract, which must be made before any money is appropriated for construction of the dam, power plant, or any

construction work done or contracted for, shall be by valid, enforceable contracts binding upon the parties thereto.

As stated above, the Boulder Canyon project act in section 4 (b) provides that before any money is appropriated for the construction of the dam or power plant or any construction work done or contracted for "the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance" and the repayment within 50 years of all amounts advanced to the Colorado River Dam fund.

In our opinion there can be no question that the provision for revenues by contract contemplated and required by the act is a provision by legally valid and enforceable contracts. The word "contract" was used in its ordinary meaning to denote binding obligations to pay revenues to the United States, dependent only upon the performance by the United States of the work authorized in section 1 of the act.

As introduced into the House of Representatives and as reported by the Committee on Irrigation and Reclamation, the bill (H. R. 5773) in this section provided that the Secretary should "make provision for revenue, by contract or otherwise * * *." A similar bill (S. 728) introduced simultaneously in the Senate contained the same provision.

On March 20, 1928, the Senate Committee on Irrigation and Reclamation reported S. 728 with an amendment, among others, striking out the words "or otherwise." In its report, made by Senator JOHNSON, the committee said:

"While the Government will in the first instance advance funds for the construction of the works, all advancements will be repaid to the Government within 50 years, and those for purposes other than reclamation with interest at 4 per cent per annum. Moreover, the bill specifies that no money is to be advanced until the Secretary of the Interior has *secured contracts for the delivery of water and for power assuring the Government* full repayment of its outlays, with interest." (Italics ours.) (70th Cong., 1st sess., S. Rept. No. 592, pp. 7–8.)

On May 23, 1928, in the House of Representatives, Mr. SWING, of California, the author of the House bill, said, after having previously expressed his willingness to strike out the words "or otherwise":

"The pending bill contains a provision which has never been inserted in any legislation heretofore, and provides that before a dollar can be appropriated or before any contracts can be made or any money expended there must be in the hands of the Secretary of the Interior *solvent and binding contracts from agencies, public and private, agreeing to take the benefits of the project* on terms dictated by the Secretary of the Interior *which will guarantee the return to the United States Government* of not only every dollar expended but 4 per cent interest as well." (Italics ours.) (CONGRESSIONAL RECORD, vol. 69, No. 137, p. 9878.)

On May 24, 1928, Mr. SWING accepted and the House adopted an amendment striking out the words "or otherwise." (CONGRESSIONAL RECORD, vol. 69, No. 138, p. 10023.)

Thus the legislative history of the act shows both Houses of Congress considered and rejected language which would have permitted the Secretary of the Interior to have made provisions for revenue otherwise than "by contract." It is plain then that Congress had this question presented to its attention in a most precise form and that its action was considered and deliberate. Compare United States *v.* Pfitsch (258 U. S. 547, 551–552).

Before any money is appropriated, therefore, the Secretary must make provision for revenues by contract—in the language of Mr. SWING, "solvent and binding contracts from agencies, public and private, agreeing to take the benefits of the project on terms * * * which will guarantee the return to the United States * * *"; in the language of Mr. JOHNSON, "contracts for the delivery of water and for power * * * assuring the Government full repayment * * *." These statements are in full accord with the language of Congress and with all the provisions of the act, the whole tenor of which is that all the expenditures of the United States for the dam and power plant are advances to the Colorado River Dam fund which are to be repaid by the revenues from the contract.

In our opinion, the act, therefore, requires that the contracts to be entered into impose enforceable obligations upon the contractees to pay the revenues specified to the United States. An option agreement, even if given for consideration, would not constitute a provision for revenues by contract within the meaning of the act. It, of course, follows from the foregoing that the party contracting with the United States must have full legal capacity to incur the obligations which it purports to incur. As was stated by the Supreme Court of the United States in Davis *v.* Police Jury of Concordia (9 How. 280, 287):

"The contract must be tested, as all others are, whether they are national or private, by the competency of the parties to make it. If that does not exist, nothing can be claimed under it except such equities as may have arisen to either from the conduct of one or the other of them in the transaction."

Congress clearly understood that certain possible contracting parties—municipal corporations—might be under necessity of obtaining special authority before having the legal capacity to enter into contracts with the United States. In section 5 (c) Congress provided for the preservation of their preferential rights pending their reasonable efforts to obtain the necessary authority to contract. The situation is clearly put in an opinion by the Solicitor of the Department of the Interior in response to questions by Senator JOHNSON (CONGRESSIONAL RECORD, February 4, 1930, p. 2989, at p. 2993):

"(15) If Los Angeles and other municipalities, including the Metropolitan Water District, can not now execute enforceable contracts meeting reasonable financial requirements of the Secretary, what would be the duty of the Secretary under the provisions of the act that an application is not to be denied because of necessity for a bond issue, and providing for reasonable time for passage of such bond issue? Would he be authorized to make contracts with other bidders preserving to the preference claimants the right to contract for part of the power if enforceable contracts are tendered within a designated time?

"Section 5 (c) contains the following proviso:

"'*Provided, however,* That no application of a State or a political subdivision for an allocation of water for power purposes or of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such State or political subdivision, necessary to enable the applicant to utilize such water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy or the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.'

"This proviso does not relieve either the State or a political subdivision from the necessity for compliance of its application with the public interest nor from adaptability of its plans to the conservation and utilization of the water resources of the region. If these conditions have been met and the State or political subdivision has proved its right to an allocation, whether for power purposes or electrical energy, this proviso protects the State or political subdivision from foreclosure of such right on the ground of nonauthorization of a bond issue or failure to market a bond issue until the expiration of a reasonable time therefor is determined by the Secretary. As to what a reasonable time may be, probably the minimum time now provided by the laws of the State may be looked to. This proviso, however, is not designed to tie the hands of the Secretary pending the authorization and marketing of the bond issue, so long as the right of the preference claimants to contract for the power allocated to them is preserved. He can not grant 'any other application in conflict therewith.' As an 'application' is an application for a contract, the prohibition against granting another application is a prohibition against execution of another contract 'in conflict therewith.' But if another applicant offers a contract which preserves in full the right of the preference claimant to contract within a reasonable time, when, as and if the necessary bond issue is authorized or marketed, the two applications are not 'in conflict.' The necessity for flood control makes it to the interest of all parties that the project be initiated and completed at the earliest possible date. To the furtherance of this end the Secretary is plainly empowered to make the necessary contracts required by section 4 (b) at the earliest possible date. Contracts to that end which specifically reserve to the Secretary the power to make further contracts with the preference claimants for the power which he has allocated to them, since they are not 'in conflict therewith,' are within his authority."

The solicitor is entirely clear—and rightly so—that the contracts to provide revenues must be legally binding and enforceable. Such contracts can not be made with a corporation which lacks the legal capacity to make the contract or to provide the funds for carrying out its proposed obligations. The law provides that pending a reasonable time within which these defects may be remedied the application—which the solicitor correctly says "is an application for a contract"—shall be held open and not adversely affected. The contract obviously can not be made while the lack of capacity exists, but the party's preferential position shall not for a reasonable time be prejudiced.

We shall proceed, therefore, to an examination of the instruments to determine what obligations, if any, they purport to impose and the capacity of the contracting parties to assume such obligations.

PART II

The instruments executed on behalf of the Metropolitan Water District of Southern California are not valid contracts.

1. General statement of facts: The district is a municipal corporation organized under the Metropolitan Water District act of the State of California, May 10, 1927, Statutes, 1927, page 694, amended, Statutes, 1929, page 1613. It is composed of the cities of Anaheim, Beverly Hills, Burbank, Colton, Glendale, Los Angeles, Pasadena, San Bernardino, San Marino, Santa Ana, and Santa Monica. There is at present no aqueduct from the district to the Colorado River. Such an aqueduct would, depending on the route selected, be from 242 miles to 372 miles in length. The shorter routes would reach the Colorado River farther from the proposed dam site than the longer routes, one of which would go to the dam site. There is no power-transmission line from the proposed dam site to any point on any of the routes—or to any other place.

We are informed and assume that an aqueduct from the Colorado River to the water district would cost from $200,000,000 to $500,000,000, depending on whether the shortest or the longest route is taken. A power-transmission line from the proposed dam to an aqueduct would cost approximately $2,000,000.

No vote has been had, nor so far as we know have any steps been taken to take a vote, of the qualified voters of the water district upon the proposition of incurring bonded indebtedness for the purpose of constructing either the aqueduct or the transmission line.

2. The instrument of April 26, 1930, "Contract for Electrical Energy," is not a valid contract: In the "explanatory recitals" contained in the instrument, being sections 2 to 5, inclusive, it is stated, among other things, that—"Whereas the United States proposes to enter into an agreement with the city of Los Angeles and Southern California Edison Co. (Ltd.), severally * * * for the lease, and operation and maintenance of a Government-built power plant to be constructed at Boulder Canyon Dam, together with the right to generate electrical energy, a copy of which said proposed lease is attached hereto marked 'Exhibit A' * * * wherein the Secretary has reserved the authority to, and in consideration of the execution thereof is authorized by each of the aforesaid lessees, severally, to contract with the other allottees named in the allocation set forth therein for the furnishing of energy to such allottee at transmission voltage in accordance with the allocation to each allottee, * * * ; and

"5. Whereas the district is desirous of entering into a contract with the United States providing for the delivery to the district each year from the Boulder Canyon Reservoir up to but not to exceed 1,050,000 acre-feet of water, and, in connection therewith and incident thereto, the district is desirous also of entering into a contract for the purchase of electrical energy to be generated at the power plant to be leased, as aforesaid, to the city of Los Angeles (hereinafter referred to as the city) and Southern California Edison Co. (Ltd.) (hereinafter referred as to the company) to aid in the transportation of such water supply;

"6. Now, therefore, in consideration of the mutual covenants herein contained the parties hereto agree as follows, to wit:"

If the instrument contains any binding obligation on the part of the United States or its lessee to generate and deliver and on the part of the district to receive and pay for any amount of electrical energy those obligations will be found in article 7 entitled "Allocation of Electrical Energy," and in articles 11, 12, 13, and 14, entitled, respectively, "Delivery of Electrical Energy," "Charges to be Paid the United States," "Monthly Payments and Penalties," and "Minimum Annual Payment."

Article 7, Allocation of Electrical Energy, provides so far as here relevant, as follows:

"7. The United States will cause to be delivered to the district under and in pursuance of and subject to the provisions of the aforesaid proposed lease, attached hereto as Exhibit A, for a period of 50 years from the date at which energy is ready for delivery to the city, as announced by the Secretary, in accordance with the following allocation, to wit:

Of firm energy

"A. To the State of Nevada, for use in Nevada, not exceeding 18 per cent of said total firm energy.

"B. To the State of Arizona, for use in Arizona, not exceeding 18 per cent of said total firm energy. * * *

"C. To the Metropolitan Water District of Southern California so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district within the following limits:

"1. Not exceeding 36 per cent of said total firm energy; plus."

NOTE.—The remaining limitations upon the allocation to the district will not be set forth because here irrelevant. It is plain beyond possibility of argument that the remaining provisions in article 7 (e) limit and do not extend the allocation set forth above. In article 7 on page 7 it is provided:

"The district shall have the right to purchase and use all secondary energy as provided in article 9 and article 14 hereof for the purposes stated in the first paragraph of subdivision (C) of this article. * * *"

And further on on the same page the following appears:

"In the event the district shall fail for any reason to use all or any of the firm energy herein allotted to it for the only purpose for which said firm energy is allotted to it—that is, for pumping water into and in its aqueduct—then no disposition shall be made of such firm energy by the Secretary without first giving to a successor to the district which may undertake to build or maintain a Colorado River aqueduct the opportunity to take said firm energy for the same purpose and under the same terms as those to which the district was obligated."

The remaining allocations of article 7 are not here set forth because not relevant to the question at issue; that is, whether the instrument creates any valid obligations on the part of the United States or of the district.

Article 11, "Delivery of electrical energy," provides for determination of the time at which energy shall be ready for delivery to the district. Subsection (d) provides:

"Upon written notification from the Secretary that generation equipment is ready for operation by it and water is available for generating energy therefrom, each lessee will be required to assume the operation and maintenance of its respective portion of the power plant, and thereafter the district will look to such lessee, severally, and not to the United States for compensation for injury and/or damages of any kind which may in any manner arise out of the operation and maintenance of the portion of such plant leased to it."

Article 12 provides for the rate at which the district shall pay the United States for the use of falling water for generation of energy for the district and for the generation thereof.

Article 13 provides for the monthly payments and the computation thereof, but is based upon the minimum annual payments provided for in article 14.

Article 14, "Minimum annual payment," provides so far as here relevant:

"The total payments made by the district for firm energy available in any year (June 1 to May 31, inclusive), whether any energy is taken by it or not, exclusive of its payments for credit to the generating agency, shall be not less than the number of kilowatt-hours of firm energy which the district is obliged to take and/or pay for during said year, multiplied by 1.63 mills, or multiplied by the adjusted rate of payment for firm energy in case the said rate is adjusted as provided in article 12 hereof. * * *"

One further provision of the contract should be mentioned at this time. It is as follows:

"(19) (a) The city having, in article 25 of Exhibit A hereof undertaken that it shall operate and maintain at cost, including allowance for necessary overhead expense, the lines required for transmitting all Boulder Canyon power from the power plant to the pumping plants of the district, allocated to and used by the district for pumping water into and in its aqueduct: *Provided*, That in the event it should prove materially to the advantage of the district, at any time during the 50-year period of this lease, the district may operate and maintain such transmission lines itself: *And provided further*, That in the event of disagreement or dispute between the district and the city as to such matter, such disagreement shall be determined as provided in article 22 (a) (22A) hereof; the Secretary will, if by such determination energy allocated to and used by the district is to be transmitted by the district instead of the city, cause delivery of energy at transmission voltage to be made accordingly."

(a) The district is not obligated to take and pay for any electrical energy: As pointed out above, the instrument under consideration in article 7 purports to obligate the United States to cause to be delivered only "so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district." Other provisions of article 7 may reduce the amount of energy to be delivered below the above-mentioned amount, but in no event can the energy exceed that amount. On page 7 of the contract it is specifically stated that the only purpose for which either firm energy or secondary energy is allocated under the agreement is for the purpose of pumping water into and in its aqueduct.

Article 14, "Minimum annual payment," adds nothing to article 7. Article 14 provides merely that the total payments made by the district "shall not be less than the number of kilowatt-hours of firm energy which the district is obligated to take and/or pay for during said year, multiplied" by rates set forth in the article.

Under the terms of the contract the district does not purport to be obligated to pay for any more energy than "may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district."

The aqueduct is not built. The pumping station is not built. The transmission line necessary to carry energy from any generating plant to any pumping station is not built. Certainly until the aqueduct is built no energy can be needed or used for pumping Colorado River water into it. Until the transmission line is built no energy can be used, whether needed or not, for pumping water into the aqueduct.

The instrument of April 26, 1930, does not purport to obligate the district to build an aqueduct, a pumping station, or a transmission line. No other instrument obligates the district to build them. The district can not procure the funds to build, acquire, or in any way furnish these facilities without the holding of an election at which the proposition is voted for by at least a majority of the qualified voters voting at such election. (See sec. 4 below.)

It is, therefore, our opinion, for reasons which we shall set forth in greater detail below, that under the instrument the promise of the district, if any, is entirely illusory; the district is free to take no energy whatever. The district may decide not to build an aqueduct and its supplementary facilities. Even if it does build the facilities, after acquiring the necessary authority from the voters, it is not required to pump any water into or in its aqueduct and hence is not required to use any electrical energy for that purpose.

(b) An agreement in which the performance of the party thereto is entirely within the will of such party lacks consideration and is not a valid contract.

A bilateral contract must have consideration, or, as it is sometimes expressed, mutuality of obligation. One party can not be bound while

the other remains entirely free. An agreement by one party to sell power at a specified rate and by another to take the power or not as such party might subsequently decide does not constitute a contract. Similarly the obligations sought to be created must be subject to some reasonably definite ascertainment; they can not be left wholly to the will of a party or there will be no contract. An agreement to sell as much power as the buyer desires to take is not a contract.

The law has been well stated by Judge Sanborn, of the Circuit Court of Appeals for the Eighth Circuit, in Cold Blast Transportation Co. *v.* Kansas City Bolt & Nut Co. (114 Fed. 77):

"This supposed contract consisted of a written offer to deliver manufactured articles in unnamed quantities at certain specific prices at any time between October 27, 1898, and June 1, 1899, and the acceptance of that offer, without more. * * * Neither the letter nor the acceptance names any quantity or amount of the articles specified that is to be delivered or received under it. The plaintiff does not agree to deliver, nor does the defendant contract to receive or pay for, any quantity or amount whatever of the articles named in the writings. A promise is a good consideration for a promise. But no promise constitutes such a consideration which is not obligatory upon the party promising. It must bind the promisor, so that the promisee may maintain an action for its breach, or it is without legal effect and void. A promise to furnish, deliver, or receive specified articles at certain prices, without any agreement to order or to accept any amounts or quantities of the articles is without binding force or effect, because neither party is thereby bound to deliver or to accept any quantity or amount whatever. Such promises are void, because they lack one of the essential elements of an agreement—certainty in the thing to be done. Contracts for the future supply during a limited time of articles which shall be required or needed or consumed by an established business or used in the operation of certain steamships or other machinery are no exceptions to this principle, because they fall under the rule. Id certum est quod certum reddi potest. But an accepted promise to furnish goods, merchandise, or other property at certain prices, during a limited time, in such quantities as the acceptor shall require or want in his business, is without consideration and void, because the acceptor is not bound thereby to require or take any articles whatever under the supposed agreement. The line of demarcation between valid and invalid contracts here runs between the requirements of machinery, or of an established business, and the wants, desires, or requirements of the tentative vendee; and that because the former are either reasonably certain, or may be made so by evidence, while the latter are conditioned by the will of the tentative vendee alone, and are both uncertain and capable of infinite variation."

In Willard Co. *v.* United States (262 U. S. 489) the Navy Department contracted for "any quantity of coal specified which may be needed * * * the Government not being obligated to order any specific quantity." The court held that the contract was invalid, saying:

"There is nothing in the writing which required the Government to take or limit its demand to any ascertainable quantity. It must be held that, for lack of consideration or mutuality, the contract was unenforceable."

A contract very similar to the one in question was under consideration in Northern Iowa Gas & Electric Co. *v.* Luverne (257 Fed. 818). An electric company contracted to supply a town with "all electricity and current that shall be desired by the town or its patrons along its transmission line * * * for lighting purposes or for power purposes or for other lawful use." The court, quoting the Cold Blast Transportation Co. case, supra, held that the contract was void for lack of mutuality, saying:

"As the defendant under the contract in question never assumed any obligation on its part nor agreed to purchase any definite amount of electricity for lighting or other purposes, the contract between the plaintiff and defendant is lacking in mutuality, and therefore void."

Later decisions in this case are reported in Two hundred and sixty-second Federal Statutes, pages 711, 712; Two hundred and eighty-second Federal Statutes, page 432.

In Schimmel *v.* Martin (190 Cal. 429, 431) the parties contracted—"to let O. K. Uzzell have this water continuously at 1½ cents per inch, to be applied on the 20 acres of land owned by O. K. Uzzell, and which adjoins the ranch of A. J. Martin; and O. K. Uzzell is to pay monthly for the water he uses. In case O. K. Uzzell fails to pay for the use of water, the party of the first part has the privilege of cutting off the supply, but in case party of the second part fails to pay but does pay later, he shall then have the water supplied to him as in the beginning on the same terms, by paying up all bills for the use of water. * * *"

The court held:

"The contract is lacking in mutuality. Considered as a contract for the sale of personal property, as the parties to the action treated and considered it, and as the trial court in effect found it to be, there is clearly no mutuality in the absence of an agreement by the plaintiffs to buy the water offered for sale by the contract."

See also Long Syrup Refining Co. *v.* Corn Products Refining Co. (193 Fed. 929).

It has been observed that no aqueduct has been built, that no power plant has been built, and that there are no assurances from any contract that either will be built. The rule that a contract to supply all the needs of an established business for a limited period of time does not lack mutuality is not applicable in such a situation. This was well stated in American Trading Co. *v.* National Fiber & Insulation Co. (1 W. W. Harr. (Del.) 65; 111 Atl. 290), in which a contract to supply the buyer's needs was in question. The court said:

"From an examination of cases bearing upon the point, it may be stated that when the engagement of the buyer is merely to receive the goods he may want or order, or when his business is not established, and there is no reasonable probability that the business will continue, or will require any substantial quantity of the goods covered by the agreement, the law holds that the engagement of the buyer is not an obligation but an option to take or not take any goods only as he may desire, and the contract is void for want of mutuality or certainty. * * *

"As the validity of the agreement, such as in this case, depends on the probable permanence or nature of purchaser's business, and the ability and opportunity of the seller to make a reasonably correct estimate of the quantity of goods bargained for, the declaration in the present case can not stand, for there is nothing in the present declaration to even indicate the existence of such necessary facts."

See also the later appeal of this case in 1 W. W. Harr. 258; 114 Atl. 67.

The law is similarly stated in T. W. Jenkins & Co. *v.* Anaheim Sugar Co. (237 Fed. 278), a case in the District Court of the Southern District of California:

"After very careful consideration of the particular circumstances of the case, upon reason as well as upon authority, I am constrained to accept defendant's contention. The books are full of cases, and the most important of them have been cited herein by plaintiff, to the effect that contract binding one party to sell, and the other party to buy, all of the 'requirements' of the latter's established business as to a given commodity, will be enforced, and this because of the fact that the ascertainment of such requirements is possible with sufficient definiteness and certainty; the subject matter of the contract being thus rendered certain, in the face of the positive reciprocal obligations complete mutuality is secured, and a breach by either party can be the basis of relief to him who tenders or has given full performance. As a necessary element of this wholesome conclusion, however, the courts have been forced to indulge in the presumption that the parties intended that the established business of the purchaser was to be carried on, substantially as of the time of contract, and that the purchase and use therein of the commodity forming the subject matter of the contract would be but an incidental feature of the carrying on of such established business."

See also Nassau Supply Co. *v.* Ice Service Co. (252 N. Y. 277; 169 N. E. 383).

The instrument under consideration does not provide for the taking of the power requirements of established facilities. It provides for the payment by the district for power "needed and used" in a purely speculative pumping station on a purely speculative aqueduct. It needs no further statement to indicate that such an agreement does not constitute a contract, because, to use Judge Sanborn's language, "It is conditioned by the will of the vendee alone and both uncertain and capable of infinite variation."

3. The instrument dated April 24, 1930, "Contract for delivery of water," is not a valid contract: This document is entitled "Contract for delivery of water." It is plainly not even that, much less is it a contract for the purchase of water.

The document is executed by the United States and the water district. It recites that in consideration of mutual promises it is agreed.

"6. The United States shall deliver to the district each year from the Boulder Canyon Reservoir at a point in the Colorado River immediately below Boulder Canyon Dam, or as provided in article 10 hereof, up to but not to exceed 1,050,000 acre-feet of water which shall be delivered continuously as far as reasonable diligence will permit * * *."

(The qualifications upon this undertaking of the United States which follow the quoted provision will be discussed later.)

"This contract is for permanent service, but is made subject to the express covenant and condition that in the event water for the district is not taken or diverted by the district hereunder for district purposes within a period of 10 years from and after completion of Boulder Canyon Dam, as announced by the Secretary, it may in such event, upon the written order of the Secretary, and after hearing become null and void and of no effect.

"The district shall receive the water to be delivered to it by the United States under the terms hereof at the point of delivery above stated, and shall at its own expense convey such water to its proposed aqueduct * * *.

"8. The water to be delivered hereunder shall be measured at the intake of the district's proposed aqueduct * * *.

"9. The district shall make full and complete written monthly reports * * * of all water diverted from the Colorado River * * *.

"10. A charge of 25 cents per acre-foot shall be made for water delivered to the district hereunder during the Boulder Dam cost-repayment period * * *.

"11. The district shall pay monthly for all water delivered to it hereunder, or diverted by it from the Colorado River, in accordance with the rate herein in article 10 established * * *."

The instrument contains no provisions stating when the deliveries shall begin.

(a) The district has assumed no obligation to receive and pay for water: Article 6 (except as will be hereafter qualified) provides for the delivery of "up to but not to exceed" a stated quantity. By article 7 the water "to be delivered * * * under the terms hereof" is to be received by the district at the point of delivery and conveyed to a proposed aqueduct, which is not built and may never be built. The only provisions for payment are for water actually delivered. There is no provision fixing the beginning of deliveries. There is a provision providing for cancellation of the contract if no water has been taken within 10 years after the completion of Boulder Canyon Dam.

This is obviously not a contract. The district is not bound to receive or pay for any quantity of water at all. The document contains a mere unenforceable promise by the United States that if the district builds an aqueduct it may have the privilege of diverting (subject to drastic qualifications) up to but not to exceed a stated quantity of water. It is free to take no water or only so much as it wills to take. The district promises to do nothing except pay for the water which it takes if and when it takes any.

Even if an aqueduct should be built, the document still lacks any promise to take any quantity of water which is capable of ascertainment. The law will not supply provisions which the parties have omitted.

In the Cold Blast Transportation Co. case, supra, the court said:

"It is said that the intention of the parties was to make an agreement that the plaintiff should sell and deliver, and the defendant should buy, all the articles of the character specified in the offer which should be needed or required by its business between October 27, 1898, and June 1, 1899; that the purpose of the construction and interpretation of contracts is to ascertain the intention of the parties; and that this contract should be interpreted to effect this intent. The answer is that, while ambiguous terms and doubtful stipulations may be interpreted to carry out the intention of the parties when they fairly evidence it, their secret intention can not be imported into contracts whose terms and meaning are plain and unambiguous, and do not express it. It is only the intention of the parties which the contract itself expresses that the courts may enforce. In the case at bar the offer of the plaintiff is nothing but a price list. The acceptance of the defendant contains no agreement to buy any of the articles specified in the list, and there is no ambiguity in the terms, or doubt in the meaning, of the writings in issue. To give effect to the intention of the parties which the defendant now alleges would be to ascribe to them a purpose, and to make and enforce for them a contract, which their writings neither express nor suggest; and this is beyond the province of the courts. * * *."

In Hoffman *v.* Maffieli (104 Wis. 630; 47 R. A. 427), the parties contracted for stone to be "delivered on street in the city of Waukesha in such quantities as may be desired." The buyer had a contract for paving the streets of Waukesha, and it was contended that the effect of the contract for stone was to supply all the buyer's needs in filling his contract for paving. The court held the contract to be lacking in mutuality and void, saying:

"The contract leaves the amount of stone to be delivered unfixed and unascertainable. There is nothing in the contract which implies that it was measured with or limited to the defendant's contract with the city."

We have, in connection with the instrument dated April 26, 1930, "Contract for electrical energy," set forth the law applicable to purported agreements of the sort here under discussion. Like the preceding agreement, this one is conditioned solely by the will of the tentative vendee alone, and is both uncertain and capable of infinite variation. Upon the authorities above referred to, it is plain that this is not a contract.

(b) The United States has assumed no obligation to deliver water: We have referred several times above to the drastic qualifications attached in article 6 of the contract to any obligation of the United States to deliver water to the district. These qualifications are as follows:

"The United States shall not be obligated to deliver water to the district when for any reason such delivery would interfere with the use of Boulder Canyon Dam and Reservoir for river regulation, improvement of navigation, flood control, and/or satisfaction of present perfected rights in or to the waters of the Colorado River or its tributaries in pursuance of Article VIII of the Colorado River compact; and this contract is made upon the express condition and with the express covenant that the right of the district to waters of the Colorado River or its tributaries is subject to and controlled by the Colorado River compact. The United States reserves the right to discontinue or temporarily reduce the amount of water to be delivered for the purpose of investigation, inspection, maintenance, repairs, replacement or installation of equipment and/or machinery at Boulder Canyon Dam, but so far as feasible the United States will give the district reasonable notice in advance of such temporary discontinuance or reduction. The United States, its officers, agents, and employees shall not be liable for damages when, for any reason whatsoever, suspensions or reductions in delivery of water occur."

Under the qualifications set forth above the United States, its officers, agents, and employees are not liable for damages when "for any reason whatsoever" suspensions or reductions in delivery of water occur. In other words, even if with all the qualifications preceding the provision just quoted there remains any remote obligation upon the United States to deliver water, nevertheless the United States is not to be liable for damages when for any reason whatsoever it suspends or reduces the deliveries of water.

It is a well recognized principle of the law that an agreement which by its terms exempts one party thereto from any liability thereunder can not be a contract. We are aware that the United States can enter into a valid contract even though Congress should not have provided any tribunal in which redress could be obtained for a violation of the contract by the United States. This principle, however, is not involved in the present case. Under the present contract the difficulty is not that a tribunal capable of giving redress does not exist but that the very document which undertakes to create an obligation by its own terms expressly exempts the United States from any liability growing out of the failure to perform that obligation.

This principle was recognized in Howester King Co. *v.* Mitchell, Lewis & Stover Co. (89 Fed. 173), where the court said:

"I am of the opinion that there is no mutuality in the contract sued on. The stipulation against liability on plaintiff's part for damages for its failure from any cause to comply with the contract in effect released the plaintiff from any obligation to perform its agreements. Where there is no liability there is no obligation, and without an obligation to perform on the part of one of the parties neither is bound."

For this reason also the instrument of April 24, 1930, entitled "Contract for delivery of water," is void and does not create any binding obligations upon either the United States or the district.

4. The district can not provide an aqueduct and transmission line without the sanction of a majority of the voters: As already stated, the cost of the aqueduct and transmission line thereto have been estimated at from $200,000,000 to over $250,000,000. Estimates by the district's engineers have run as high as $300,000,000.

No one has suggested, or could suggest, that these facilities could be furnished by the district out of any current revenues which it could raise. The maximum taxes which it can levy "exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon shall not exceed 5 cents on each such $100 of assessed valuation." (Statutes of Calif., 1927, ch. 429, sec. 5 (8).) We are informed that the total assessed valuation of property within the district is $2,311,001,115. The maximum revenue other than to meet bonded indebtedness and interest would not exceed $1,155,500 per annum.

The facilities, then, would have to be financed by a bond issue.

The law creating the district provides that whenever the directors of the district determine that the public interest requires the creation of public works "the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring bonded indebtedness for the purposes set forth in the said ordinance to the qualified voters." If "a majority of the electors voting * * * voted in favor of such proposition, the district shall thereupon be authorized to issue and sell bonds of the district in the amount and for the purposes * * * provided * * * in such ordinance." (Stats. 1927, ch. 429, sec. 7 (a) and (d).)

This statute is plain that the district can not incur any bonded indebtedness for such public works as the aqueduct and its power-transmission line without the sanction of a majority of the voters voting upon that proposition at an election called for that purpose. It is highly probable that under the statute any attempt on the part of the directors of the district to commit the district without an election to the creation of works which could only be financed by bonded indebtedness authorized by an election would be wholly void. But this opinion need not be extended by a discussion of that proposition. From what has gone before, it is clear that the directors have not done anything so foolish. It is also clear from the Boulder Canyon project act (see pp. 7 to 9, supra) that even if they had done so their purported contract would not be that adequate provision for revenues by contract which must be made before money may be appropriated for the project. For Congress, by expressly providing that applications for contracts shall not be denied or prejudiced until a reasonable time for providing for bond issues has been given, has shown its appreciation that an agreement made without such provision would have no binding and enforceable effect whatever.

To require that a party proposing to contract shall obtain the necessary capacity and authority to incur the indebtedness necessary to perform any contract is merely to require the first essential of making a valid contract which will provide revenue. It is as important to the

representatives of the applicant as it is to the United States. It imposes no hardship on anyone. It may prevent disastrous consequences to both.

It is our opinion that no contract can be made with the district by which it is obligated to take and pay for water and for energy which will meet the requirements of the Boulder Canyon project act until the district has obtained from the voters the authority to incur bonded indebtedness in the amount necessary to provide the works and facilities without which it can take neither water nor energy.

PART III

The instrument "Contract for lease of power privilege," dated April 26, 1930, is not a "provision for revenue by contract" within the meaning of section 4 (b) of the Boulder Canyon project act.

We shall approach the consideration of the instrument dated April 26, 1930, from the following points of view:

First. We shall consider whether the city of Los Angeles without the assent of two-thirds of the voters has the legal capacity to incur certain obligations sought to be imposed upon it by the instrument.

Second. We shall consider whether the United States can force the city of Los Angeles by mandamus or otherwise to pay amounts alleged to be due under the instrument, as stated by the Solicitor of the Department of the Interior in his opinion.

Third. We shall consider whether the instrument purports to impose upon the city and the Southern California Edison Co. any unqualified obligation to take and pay for electrical energy.

1. The city of Los Angeles without the assent of two-thirds of the voters has not the legal capacity to incur obligations sought to be imposed upon it by the instrument nor has it the legal capacity to procure revenues with which to furnish those obligations without the assent of two-thirds of the voters.

(a) Statement of facts relevant to the legal capacity of the city to contract.

By Ordinance No. 66446, adopted by the council of the city of Los Angeles on April 25, 1930, the council resolved to give the board of water and power commissioners authority to execute the instrument under consideration for and on behalf of and in the name of the city of Los Angeles. In our opinion this resolution was effective under the charter of the city, article 6, section 78, and article 28, section 385, to give to the board whatever authority the council possessed to execute this document on behalf of and in the name of the city.

The instrument of April 26, 1930, deals with three principal matters:

1. The making of a lease in the future by the United States to the city and the company, severally, of power-generating machinery.

2. The operation of that machinery by the city for the purpose of generating power for other municipalities and the transmission of that power by the city to those municipalities over its own transmission line not yet constructed.

3. The generation of power by the city and the company for their own uses, respectively.

Article 6 of the instrument provides that the United States will furnish and install generating equipment. At the present time the machinery has not been installed nor has any work been undertaken upon any of the project. Section 10 provides for a lease of machinery to the city and to the company. This is, of course, an agreement for a lease to be made in the future and can not be the present lease. Article 9 provides that the lessees shall pay the cost of the machinery installed for them, with interest at 4 per cent, in 10 equal installments. The first installment is to be payable on June 1 next following the date when the machinery is ready for operation and water is available therefor, as announced by the secretary. The subsequent nine installments are payable on each June 1 thereafter, following. The amount of machinery to be installed is left vague by article 8 of the instrument, and this matter will be herein below referred to. The secretary, however, has stated that the machinery which he proposes to install under this instrument for the city and for which the city must pay will cost approximately $17,000,000.

By article 10 (d) the city is made the generating agency for, among others, certain other municipalities.

By article 14 the city covenants generally to furnish energy needed to meet allocations of energy to, among others, the municipalities.

By article 25 (b) the city agrees to transmit over its main transmission line, constructed for carrying Boulder Canyon power, all such power allocated to and used by each of the municipalities severally. The cost of this transmission line has been estimated by the secretary to be $30,000,000.

By article 20 it is provided that in case of the breach by a lessee of the terms and conditions of this agreement to the extent that another allottee is deprived of all or any part of the electrical energy to which it is entitled under the allocation set forth in article 14, the generation of which is to be effected by the lessee, the secretary reserves the right to enter and operate the machinery at the cost of the lessee and thereafter, upon two years' written notice, to terminate the contract.

(b) The constitution and statutes of California prevent the city from incurring the liability set forth above without the assent of two-thirds of the qualified voters voting at an election to be held for that purpose.

Section 18 of article 11 of the constitution of California provides that:

"No * * * city * * * shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed 40 years from the time of contracting the same * * * and indebtedness or liability incurred contrary to this provision * * * shall be void."

By article 1, section 3, clause 4, of the charter of the city of Los Angeles, the provisions of the bond act of 1901 (Stat. 1901, p. 27; Stat. 1927, p. 527) are made applicable to the city. Willmon *v.* Powell (91 Calif. App. 1; 266 Pac. 1029).

The bond act of 1901 provides, in section 2, that whenever the legislative branch of any city shall determine that the public interest requires the carrying out of any project the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality it may call a special election and submit to the qualified voters of the city the proposition of incurring a debt for the purpose set forth in the resolution. In section 3, it is provided that it shall require the votes of two-thirds of all the voters voting on any such proposition to authorize the issuance of bonds provided by the act.

California Jurisprudence, volume 18, page 880, referring to the constitutional provision set forth above, says:

"The provision means, not only that an indebtedness incurred contrary to its express inhibition is absolutely void but that each year's income and revenue must pay each year's indebtedness and liability, and that no indebtedness or liability incurred in any one year shall be paid out of the income and revenue of any future year."

See also San Francisco Gas Co. *v.* Brickwedel (62 Calif. 641); Chester *v.* Carmichael (187 Calif. 287); San Joaquin Light & Power Co. *v.* Maderia (175 Calif. 229); Arthur *v.* City of Petaluma (175 Calif. 216). For other cases so holding see 18 California Jurisprudence, section 177, note 20.

The question of when and the extent to which a liability is incurred under the constitutional provision has been frequently before the Supreme Court of California in connection with cases involving payments to be made in installments. The earlier decisions in which this question arose were cases involving the furnishing of services or materials in yearly installments and the payments therefor in yearly installments. In these cases the court held that a liability for an installment was not incurred until the consideration for that installment had been furnished and that therefore the liability could be incurred provided there were adequate revenues to meet each installment as it fell due. McBean *v.* City of Fresno (112 Calif. 159; 44 Pac. 359); Smilie *v.* Fresno (112 Calif. 311; 44 Pac. 556); Deland *v.* Clark (143 Calif. 176; 76 Pac. 958).

In the more recent cases decided by the Supreme Court of California, however, the consideration to be furnished by the contracting party was not to be furnished in installments but was furnished at one time. The payments, however, were by the purported contract spread over a period of years. In these cases the Supreme Court of California held that the liability was incurred when the consideration was furnished and that the liability could not under the constitution be incurred unless the revenues of the city were adequate in the year when the consideration was furnished to meet the entire installments no matter over what future period the payment of those installments was spread. In re City and County of San Francisco (195 Calif. 426; 223 Pac. 965); Mahoney *v.* San Francisco (201 Calif. 248; 257 Pac. 47); Chester *v.* Carmichael (187 Calif. 287; 201 Pac. 925).

In the cases of Chester *v.* Carmichael and Mahoney *v.* San Francisco, supra, the Supreme Court of California reviewed the earlier cases and limited them strictly to the type of contract involved in these cases.

In the Mahoney case the court said:

"We do not understand that the force and effect of the constitutional restrictions may be avoided—however beneficial such an avoidance may appear to be to the municipality by permitting it to carry forward its plans—that expenditures may be incurred for improvements and for other public uses for which the municipality is liable and which, though not definitely fixed or even estimated, will inevitably exceed the income and revenue provided for the fiscal year in which the contract is entered into, or any future year, because, perchance, the question of the ability of the municipality to meet its obligations is left in a state of doubt or uncertainty occasioned by the phraseology of the contract, or upon the theory that the possible occurrence of an event which in all probability will not happen may happen, or the possible failure of a condition which must from the logic of the situation be performed will not be performed. If this be the rule of construction, the restriction provisions of the constitution and charter would become practically

nullities and there would be no opportunity for the taxpayers to be heard as to the incurring of indebtedness or liability that would become a charge upon the future income or revenue of municipal and public corporations. It would practically put an end to bond issues as provided by the constitution with respect to the incurring of future indebtedness or liability. If a vast indebtedness or liability may be incurred by contract whereby the payment is postponed to a future year, and which would beyond question exceed the income that could or would reasonably be expected to be provided for, a condition would be brought about similar to that stated in Arthur *v.* City of Petaluma (175 Calif. 216; 165 Pac. 698), which affords a striking example of the hardship that follows a failure to observe the organic law and which should be avoided in the interests of a sound public policy.

Under the foregoing decisions of the Supreme Court of California it is clear that the obligation of the city to pay the cost of the generating facilities to be furnished by the United States in the present case would become a liability when the consideration moving from the United States is furnished; that is, when the dam and power facilities are built and the water to operate the latter made available. It would be immaterial that this liability could be paid over a period of years. That affects merely the method of payment. As to that liability there would be no further consideration to be furnished by the United States.

Payments for the use of falling water would perhaps fall in a different category. These payments are for services to be furnished by the United States from year to year, and presumably no liability to be incurred until the consideration had been given therefor. We shall, however, discuss in the following subdivision of this part the effect of the constitutional provision upon the ability of the United States to enforce payments for these services.

The decisions of the Supreme Court of California are also clear that under the present instrument the obligation of the city to furnish a power transmission line would be a liability incurred in a single year within the meaning of the constitutional provision, and this would be true irrespective of any future contracts which the city might enter into to spread the payments for this power line over a period of years. Furthermore, it is immaterial whether or not there is in the contract a direct promise from the city to the United States to furnish the power line. It is enough if either there is an implied promise (18 Calif. Jur. p. 880–881) or if the furnishing of the line by the city is necessary for it to preserve rights acquired by it by the contract and if the failure to furnish the line enables the United States to terminate the contract and forfeit the lease. Chester *v.* Carmichael (187 Calif. 287 at 293) and In re City and County of San Francisco (195 Calif. 426, 439, 442).

We make no attempt to estimate for the present or any future year the revenue and income of the city of Los Angeles which is or may be free for expenditure upon this project, because it will be apparent and conceded that there can be no reasonable expectation that in any year there will be revenues unappropriated sufficient to permit under the constitution the incurring of a liability of $17,000,000, the estimated cost of the facilities, and $30,000,000, the estimated cost of the transmission line, or of either liability. If any support for this statement is needed it may be found in the fact that in two recent instances in which the city wished to incur liabilities for approximately $11,000,000 and $38,800,000, respectively, for public works the propositions were submitted to the voters.

The bald fact, therefore, is that the city without the assent of the voters is purporting to commit the city to two future liabilities of $17,000,000 and $30,000,000, respectively. These amounts, as the court said in the Mahoney case, "will inevitably exceed the income and revenue provided for the fiscal year in which the contract is entered into, or any future year." As the court said further, the constitutional limitation which makes such an attempt a nullity can not be avoided "because, perchance, the question of the ability of the municipality to meet its obligations is left in a state of doubt or uncertainty occasioned by the phraseology of the contract." If such a contract as this could be validly made "it would practically put an end to bond issues as provided by the constitution with respect to the incurring of future indebtedness or liability."

The purpose of the constitutional provision is to give an opportunity to the voters to pass upon the incurring of indebtedness or liabilities which may become charges upon the future income or revenues of municipal corporations. If a liability incurred, no matter when payable, can be discharged from the income or revenues of the year in which it is incurred, that liability may, under the constitution, be incurred by the city without reference to the voters. If, however, the liability is too great to be paid out of the income and revenue of the year in which it is incurred and, therefore, must become a charge upon future revenues, the constitution provides that the proposition of incurring the liability must be submitted to the voters and assented to by two-thirds of those voting upon it.

That this is the acknowledged law of California is strongly indicated by the purchase agreement dated May 26, 1919, entered into between the Southern California Edison Co. and the city of Los Angeles and set forth in hearings before the House Committee on Irrigation and Reclamation, Sixty-eighth Congress, first session, in H. R. 2903, Part I, 442. That contract provided for the purchase by the city from the company of the company's electric distributing system situated within the corporate limits of the city for a price of $11,000,000, together with such sum as shall be equivalent to the amount of money necessarily expended by the company on extensions and betterments after June 30, 1919. Article 4 of that contract provides as follows:

"The sums mentioned in paragraph 1 hereof to be paid by the city to the company or any part thereof shall be payable and said properties shall be transferred and conveyed as aforesaid only in the event that on or before June 30, 1920, an issue of bonds of said city of Los Angeles, authorized by the voters of said city for the purpose of acquiring the above-described properties, or for that and other purposes, shall be issued and sold and said sum shall be paid only out of the proceeds of the sale of said bonds."

On Tuesday, May 20, 1930, the voters of Los Angeles had submitted to them the following proposition:

"Shall the city of Los Angeles incur a bonded debt in the sum of $38,800,000 for the acquisition, construction, and completion by the city of Los Angeles of a certain revenue-producing municipal improvement, to wit, the acquisition, construction, and completion of waterworks, including lands, water, water rights, reservoir dams, distributing mains, and other necessary works and property for supplying the city of Los Angeles and its inhabitants with water, the estimated cost of which is $38,800,000."

In our opinion, the city of Los Angeles has no power to incur liability to pay the United States a total consideration of $17,000,000 in 10 installments, on account of the cost of furnishing facilities that shall be leased to the city by the United States or to incur a liability to furnish a transmission line, the cost of which may equal or exceed $30,000,000, without submitting such proposition to the qualified voters of the city and obtaining the assent of two-thirds of said voters voting thereon to incur such liability, and to issue bonded indebtedness in the amount thereof. The instrument under consideration which purports to commit the city to the incurring of such liabilities is, in our opinion, null and void.

c. The opinion of the Solicitor of the Department of the Interior that the city of Los Angeles has authority to enter into the instrument under discussion and that payment of amounts which may be due the United States under that instrument can be enforced by mandamus is, with due deference, in our opinion, incorrect.

We have had the opportunity of examining an opinion given by the Solicitor of the Department of the Interior under date of May 6, 1930. The solicitor apparently concludes on the first page of that opinion that the city of Los Angeles has authority, under its charter, to incur the obligations provided for in this instrument. The solicitor, however, fails to consider the limitations imposed by the constitution of California on the capacity of a municipality to incur obligations. These limitations have been discussed fully. They are, in our opinion, conclusive against the capacity of the city to incur the obligations referred to above, sought to be imposed by the instrument. The case of Gillette Herzog Manufacturing Co. *v.* Canyon County (85 Fed. 396), cited with approval by the solicitor on page 7 of his opinion, is conclusive authority in favor of the views expressed by us above and states that a municipality limited by a constitution almost identical with the constitution of California, had no authority to enter into the contract in question and that even though the other contracting party had furnished the entire consideration required of it, in that case the building of a bridge, the party was entirely without redress of any sort against the city.

But for another reason the opinion of the solicitor that the United States might by mandamus force the city to make payments to it is in our opinion incorrect, and this reason is applicable not only to prevent enforcement of any payments to the United States on account of the cost of installing generating equipment but is also applicable to payments which the United States may seek to recover on account of the use of falling water for generating purposes.

It is the law of California that except where two-thirds of the voters of a municipality have assented thereto no liability or indebtedness of the municipality can be paid either voluntarily or as the result of judicial process except from the revenue of the year in which the liability was incurred. This is clearly stated in the case of Arthur *v.* City of Petaluma (175 Calif. 216). In that case the facts were as follows:

Arthur did some printing for the city in the fiscal year 1910–11. When the liability was incurred there was sufficient money in the city treasury of the revenue of that fiscal year to pay it. He filed a claim for payment on March 28, 1911, but at that time the revenues provided for the fiscal year had been entirely exhausted and his claim was, therefore, disallowed. He then sued the city and obtained a judgment. The county clerk certified the judgment to the auditor in accordance with the law providing for the payment of judgments. The city council included in the tax levy for 1916–17 a sum expressly devoted to payment of the judgment and sufficient to pay the same. The tax was collected and in the treasury, but the city refused to pay the claim on the ground that section 18 of article 11 of the constitution of California precluded payment of a liability incurred in any year from revenue received in another year.

Arthur then brought a proceeding in mandate to compel allowance and payment of his claim. The defense of the city was sustained by the court. The court said:

"The fact that petitioner has obtained judgment against the city for the amount of his claim in an action brought for that purpose does not avoid the application of this constitutional provision. The judgment, of course, conclusively determines the question of the validity of his claim, but it still remains that, by reason of that provision, it can not be paid out of the revenues of a fiscal year other than the one in which the liability or indebtedness was created."

This case is the unquestioned law of the State of California. (See 18 Cal. Jur. p. 887, sec. 182; see also Dillon on Municipal Corporations, 5th ed. vol. 1, 412.)

Thus the limitation imposed upon the municipalities by the constitution of California is twofold. In the absence of the assent of two-thirds of the voters—

(a) The city can not create an obligation in excess of revenues provided and not appropriated for the year in which the liability is or is to be incurred. Any liability sought to be incurred in excess of such revenues is void; and

(b) Even if adequate revenues exist at the time the liability is incurred, if those revenues are subsequently used for other purposes the creditor is entirely without legal remedy, since under the constitution of the State the courts of California have held that an indebtedness can only be discharged out of the revenues provided in the years in which it was incurred and that it can not be discharged either voluntarily or to pay a judgment out of the revenues of any other year. This has been held in a case in which it was sought to direct the payment by mandamus, the remedy relied upon by the solicitor in his opinion.

2. The instrument "Contract for lease of power privilege," does not impose any absolute obligation upon the city or company to take or pay for energy. Any obligations imposed are purely conditions of preserving their allocations. Furthermore, even such conditional obligations are not for any fixed amount of energy.

Article 16 of the instrument provides:

"In consideration of this lease the lessees severally agree—

"1. To pay the United States for the use of falling water for the generation of energy for their own use, respectively, by equipment leased hereunder (except as otherwise provided in article 17 hereof) as follows:

"(a) $0,00163 per kilowatt-hour for firm energy;

"(b) $0.0005 per kilowatt-hour for secondary energy."

Article 17 provides:

"The total payments made by each lessee for firm energy available in any year (June 1 to May 31, inclusive), whether any energy is generated or not, exclusive of its payments for use of machinery, shall be not less than the number of kilowatt-hours of firm energy available to said lessee and which said lessee is obligated to take and/or pay for during said year multiplied by $0.00163.

"*Provided, however*, That in order to afford a reasonable time for the respective lessees to absorb the energy contracted for, the minimum annual payments by each for the first three years after energy is ready for delivery to such lessees, respectively, as announced by the Secretary, shall be as follows, in percentages of ultimate annual obligation, to take and/or pay for firm energy:

"First year, 55 per cent; second year, 70 per cent; third year, 85 per cent; fourth year and all subsequent years, 100 per cent."

Thus to determine the payments, if any, which the lessees agree to make we must find in the contract provisions showing:

1. The number of kilowatt-hours which are to be available, and also

2. The number of kilowatt-hours available to each lessee which said lessee is obligated to take or pay for.

The kilowatt-hours available will depend upon the generating machinery installed (art. 8) and the falling water made available (art. 21). Article 8 provides that the lessee shall notify the Secretary of "their respective generating requirements in order that the United States may be able to determine the type and initial and maximum and ultimate generating capacity of the generating equipment to be installed in the power plant. Generating units and other equipment to be installed by the United States shall be in sufficient number and of sufficient capacity to generate the energy allocated to and taken by the lessees and the various allottees, served by each lessee as stated in article 14 hereof, upon the load factors stated by the respective allottees with proper allowance for the combined load factors of all allottees served by each lessee. Each lessee shall give notice to the Secretary of the date at which it requires its generating equipment to be ready for operation, such notice to be given at least three years before said date. If a lesser number of generating units is initially installed, the United States will furnish and install, at a later date or from time to time on like terms, such additional units as with the original installation will generate the energy allocated. * * *

Article 9(b) provides that no charge shall be made against either lessee on account of cost of machinery required to be installed in consequence of execution of a contract for electrical energy by a State unless such machinery is to be used partially for the benefit of such lessee. From the foregoing provisions it is clear that the capacity of the generating units initially installed will be determined by the generating requirements of the two lessees in accordance with the notification which the lessees are required to make to the Secretary. Thereafter additional units may be installed if necessary to meet the requirements of the lessees or if and when contracts are made with other allottees, including the States. Plainly the additional units are not to be installed except in pursuance of the execution of contracts with the allottees for the energy allocated or some part thereof. Thus the energy available will be at the outset the capacity of the units installed to meet the requirements of which the lessees have notified the Secretary. Subsequently the energy available may be increased as additional units are installed in consequence of the execution of contracts with other allottees. This must be so because energy can not be available in excess of the capacity of the generating units installed.

So far as falling water available is concerned, article 21 provides that in the event of discontinuance of falling water the minimum payments shall be reduced by the ratio that the total number of hours of such discontinuance bears to 8,760. However, falling water is of no value unless generating units capable of using it have been installed. It is, therefore, our opinion that the total energy available within the meaning of article 17 is determined by the capacity of the units installed as set forth above reduced by the proportionate time during which such units are rendered unavailable for generating purposes through the discontinuance of falling water.

Article 17, however, does not make the lessees severally liable for any fixed amount of energy available. The minimum payments are to be determined not only with relation to the amount of energy available but also with respect to the amount of such available energy which the lessees severally are obligated to take and pay for. We turn therefore to the instrument once again to determine what, if anything, it provides in respect of the amount of energy which each lessee is obligated to take. The only articles which throw any light upon this inquiry are articles 14 and 15. Article 15 merely defines the term "firm energy" as being for the first year of operation 4,240,000,000 kilowatt-hours. For each subsequent year the amount defined is to be decreased by 8,760,000 kilowatt-hours per year. This article obviously imposes no obligations.

Article 14 so far as relevant to any supposed obligation assumed by the lessees is as follows:

Allocation of energy

"14. The Secretary reserves and as against the lessees may exercise the power in accordance with the provisions of this contract to contract with the other allottees named in this article for the furnishing of energy to such allottees at transmission voltage in accordance with the allocation to each such allottee, and the Secretary is authorized by each lessee to enforce as against it the rights acquired by such other allottees under such contracts. Each lessee severally in accordance with the agency designations made in paragraph (d) of article 10 covenants to generate and furnish energy, at transmission voltage, needed to meet the following requirements of the allottees (other than lessees) named below the allocation of firm energy being made in percentages of the total firm energy as defined in article 15 hereof, to be delivered to such allottees at said Boulder Dam power plant.

Of firm energy

"A. To the State of Nevada * * * 18 per cent * * *."

"B. To the State of Arizona * * * 18 per cent."

* * * * * * *

"C. To the metropolitan water district of southern California so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district within the following limits:

"1. Not exceeding 36 per cent of said total firm energy plus * * *.

* * * * * * *

"D. To the municipalities (stating them) * * *.

"E. To the city of Los Angeles, 13 per cent.

"F. To Southern California Edison Co. (Ltd.) (and other named private corporations), 9 per cent.

"The foregoing allocations are subject to the following conditions:

"(i) So much of the energy allocated to the States (36 per cent of the firm energy) and not in use by them, or failing their use, by the district for the above purposes, shall be taken and paid for one-half by the city and one-half by the company.

"(ii) All of the energy allocated to the municipalities * * * as is not so contracted for, or if contracted for, not used by them directly or under contract for municipal purposes and/or distribution to their inhabitants shall be taken and paid for by the city.

"(iii) So much of the energy allocated to the Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation as is not firmly contracted for by them, severally, in compliance with regulations of the Secretary on or before April 15, 1931, shall be taken and paid for by the company."

There can be no doubt that down to the words "the foregoing allocations are subject to the following conditions" article 14 contains no words which directly or by any possible construction can be said to impose any obligation upon either of the lessees to take and pay for any energy. In fact, the covenant which the lessees make in the second sentence of article 14 to generate and furnish energy expressly excepts from the covenant energy required to meet the allocations to the lessees stated below. Reading articles 14 and 15 together, it is apparent that an allocation is merely a reservation for, a setting aside for, a division among the allottees of certain defined ultimate potential generating capacity. Such an allocation obviously is not intended to and can not pass title to anything not in being so as to commit the allottee to pay the purchase price thereof. If it had been intended to commit the lessees to generate, take and/or pay for the full amount of energy reserved for them, it would have been a very simple thing to have so provided in the contract. However, there is not only no such provision in the article, but the only covenant which the article contains is in the portion under discussion, which expressly excepts from its provisions an obligation to generate energy allotted to the lessees, respectively.

We turn, then, to the remaining portion of the article imposing the conditions to determine the purpose and meaning of that portion. After making the allocations discussed above the article states that the allocations are "subject to the following conditions," the conditions being to take and pay for energy allocated to certain other allottees and not taken by them. As stated above, an allottee of an allocation has merely an equitable right to certain future potential generating capacity. Such a right subject to a condition is common in the law. An illustration of an equitable right subject to a condition is the right of a purchaser of property subject to a mortgage. There is no obligation upon the purchaser to pay the mortgage, but if he does not pay the mortgage he will lose his right. That is obviously the purpose and meaning of the conditions in the present case. The right of the lessees to have power reserved for them is subject to the conditions set forth in article 14. Their rights to the allocation can be preserved only so long as they perform the conditions. If they fail to perform the conditions, the allocations subject to the conditions are lost to them.

This, however, does not mean that in order to preserve their respective rights in their allocations the lessees, respectively, must necessarily pay for the full amount of energy allotted to the other allottees mentioned in the conditions. This is so for two reasons, both found in the express language of the instrument. First, the conditions are to "take and pay for." Energy can not be taken unless and until the generating capacity necessary to generate has been installed; and, second, this language in the conditions is clearly consistent with and designed to be consistent with the language of article 17, defining the minimum annual payments, which provides that such minimum annual payments shall be determined with relation to "the number of kilowatt-hours of firm energy available to each lessee and which said lessee is obligated to take and/or pay for."

Thus, although the instrument in this respect is drawn with singular confusion, the meaning of the provisions is clear enough when the various articles are analyzed and the complementary provisions stated together. Stated in terms of its practical application, our conclusions in regard to the obligations imposed upon the lessees to take and pay for energy are as follows:

(1) There is no obligation upon either lessee to take and/or pay for any energy except as a condition to preserve their respective rights in their respective allocations. If a lessee takes and/or pays for no energy whatever, such lessee loses its allocation. In such a case, however, there is no provision of the instrument under which the United States could bring suit against such lessee and require it to take and/or pay for any energy.

(2) If, however, a lessee desires to maintain its right to its allocation, it can do so by making the minimum payments required in article 17, which are determined by ascertaining the amount of energy available and which such lessee is required by conditions (i), (ii), or (iii) to take. In other words, a lessee is required in order to preserve its allocation to pay for the energy actually taken by it or the energy referred to in the various conditions applicable to such lessee and available, whichever is greater.

(3) Thus if in consequence of contracts made with the States and the other allottees, the total generating capacity contemplated by article 15 is installed the total minimum payments which the city must make in order to preserve its allocation can not exceed 24 per cent of 4,240,000,000 kilowatt-hours and the total minimum payments which the company must make in order to preserve its allocation can not exceed 27 per cent of 4,240,000,000 kilowatt-hours, or a total of 51 per cent. If the energy available is less than the foregoing, the obligations to take and pay for in order to preserve allocations are correspondingly less in absolute sums. There is no obligation upon either lessee to pay a greater amount unless the energy actually taken by such lessee exceeds such amount, and neither lessee need take any energy whatever if it is prepared by reason thereof to lose its right to its allocation.

3. The instrument is not a compliance with the requirements of the Boulder Canyon project act, section 4 (b): The act, in our opinion, does not confide to the judgment of the Secretary the determination of the validity or enforceability of a contract made by him. His judgment is confined to the adequacy of the amounts provided to be paid in the instrument. Upon that his judgment may be conclusive. But if, as a matter of law, the instrument is not a valid contract, then it is a nullity and no provision whatever has been made for the payments set forth therein. Furthermore, if, as a matter of law, the instrument does not provide for the payments which the Secretary states are necessary, in his judgment, then, also, he has not made provision by contract for revenues adequate, in his judgment, to repay the United States.

For the reasons set forth above the instrument fails to meet both of these tests. In our opinion, it is, as a matter of law, a nullity because the city has not the legal capacity to assume the obligations sought to be assumed. Also, in our opinion, it wholly fails, as a matter of law, to obligate the city or the company to pay the revenues (adequate in the judgment of the Secretary) out of which the cost of the dam is to be amortized.

Conclusion

It is therefore our opinion that:

(1) Contracts made in pursuance of section 4 (b) of the Boulder Canyon project act must be, as a matter of law, valid, enforceable contracts, and must, as a matter of law, obligate the contractors to pay revenues determined by the Secretary to be necessary and adequate to reimburse the United States. The amount of revenues necessary and adequate is left to the judgment of the Secretary. But the validity, enforceability, and legal effect of the contracts are matters of law and not for the judgment of the Secretary.

(2) The instrument "Contract for delivery of water" executed by the Metropolitan Water District of Southern California and dated April 24, 1930, is void for want of mutuality and is not a contract.

(3) The instrument "Contract for electrical energy" executed by the Metropolitan Water District of Southern California and dated April 26, 1930, is void for want of mutuality and is not a contract.

(4) The attempted contract between the city of Los Angeles and the United States contained within the instrument dated April 26, 1930, is void and the city's alleged obligations under it unenforceable because entered into without the assent of two-thirds of the voters in violation of the California constitution.

(5) The condition required to be performed by the Secretary by section 4 (b) of the Boulder Canyon project act before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for has not been performed by the execution of the instruments submitted to us.

Respectfully,

COVINGTON, BURLING & RUBLEE,
By DEAN ACHESON.

WASHINGTON, D. C., *May 23, 1930.*

SUPPLEMENTARY OPINION, BOULDER DAM CONTRACTS

Hon. LEWIS W. DOUGLAS,
House of Representatives, Washington, D. C.

DEAR SIR: You have asked us to supplement our opinion dated May 23, 1930, given to you in regard to the Boulder Dam contracts by giving you our opinion as to the effect, if any, upon the validity of the instrument entitled "Contract for lease of power privilege" dated April 26, 1930, were article 1 thereof to be amended as follows:

"This contract, made this 26th day of April, 1930, pursuant to the act of Congress approved June 17, 1902 (31 Stat. 388) and acts amendatory thereof and supplementary thereto all of which acts are commonly known and referred to as the reclamation law and, particularly, pursuant to the act of Congress approved June 21, 1928 (45 Stat. 1057) designated the Boulder Canyon project act, between the United States of America, hereinafter referred to as the United States, acting for this purpose by Ray Lyman Wilbur, Secretary of the Interior, hereinafter styled the Secretary, and severally, the city of Los Angeles, a municipal corporation and its department of water and power (said department acting herein in the name of the city but as principal in its own behalf as well as in behalf of the city; the term 'city' as used in this contract being deemed to mean both the city of Los Angeles and its department of water and power) and the Southern California Edison Co. (Ltd.), a private corporation hereinafter styled the company, both of said corporations being organized and existing under the laws of California and hereinafter styled the lessees."

OPINION

1. The amendments proposed to the instrument "contract for lease of power privilege" will not in our opinion make it a valid contract

1. The proposed amendments do not affect our opinion in regard to the lack of legal capacity on the part of the city of Los Angeles without the assent of two-thirds of the qualified voters voting thereon to incur obligations sought to be imposed upon it by the instrument.

Nothing contained in this amendment increases or can increase the authority of the department of water and power or its board of commissioners to commit the city of Los Angeles to the incurring of liabilities which under the constitution of California can not be incurred by that municipality acting through any officer, board, or agent whatever without the prior assent of two-thirds of the qualified voters voting thereon in an election called for the purpose of submitting such proposition to the voters. As stated in our prior opinion in so far as this instrument purports to commit the city of Los Angeles, it is null and void.

The amendment to article 1 requires us to consider whether the department of water and power of the city of Los Angeles has at the present time the legal capacity to incur the obligations which the city itself can not incur.

2. In our opinion the department of water and power has not the legal capacity to incur obligations sought to be imposed upon it by the amended instrument in the absence of amounts being appropriated for such liabilities.

The department of water and power of the city of Los Angeles is a somewhat anomalous creature of the law of California. It is not a separate municipal corporation. On the other hand it has to some extent a separate legal existence apart from that of the municipal corporation of which it is a department. It has the power to sue and to be sued in its own name and it has the power to incur obligations which are not the obligations of the city of Los Angeles and which the city of Los Angeles is not and can not be required to meet. The department of water and power is created by Article XXII of the charter of Los Angeles. (See Stats. 1925, p. 1094, amended by Stats. 1927, p. 2026, and Stats. 1929, pp. 1991, 1992.) In general, it has the power to construct, operate, maintain, and extend works for the purpose of supplying the city with water and electric energy "and to acquire and take by purchase, lease, condemnation, or otherwise, and to hold, in the name of the city, any and all property situated within or without the city and within or without the State that may be necessary or convenient for such purpose." It has the power to sue and be sued. It has the power to control the expenditure of all money received from the sale or use of water or of electric energy except as otherwise provided in the charter. These moneys are to be deposited in the city treasury in two separate funds, a water-revenue fund and a power-revenue fund. Money in the water fund can be expended only for water purposes and money in the power fund only for power purposes. These funds may also be expended only for operating and maintenance purposes; for the payment of principal and interest of indebtedness of the department referred to below; to return funds advanced to the department by the city either from the proceeds of the bonds or from its general funds; or for the necessary expenses of constructing, extending, or improving the works managed by the department or the business of the department. At the end of each fiscal year surplus moneys in these funds may, with the consent of the board, be covered into the general reserve fund of the city.

With the possible exception of the water and power revenue funds—the status of which is not clear—the department does not have the legal or beneficial title to any property. By section 423 of the charter it is provided that the title of all property shall be in the city of Los Angeles and all officers, boards, commissions, and departments are required to convey all their property to the city of Los Angeles. Section 220, subsection 6, of the charter gives the department limited power to dispose of certain items of personal property but under articles 219 and 220 the department has no right to dispose of real property of the city or rights in or to electrical energy without the consent of the city and in most cases the consent of two-thirds of the voters.

Section 420 of the charter provides as follows:

"Whenever the people of the city have authorized the issuance of bonds for any public work, improvement, or purpose the board which by this charter is given superintendence and control of such public work, improvement, or purpose may at any time thereafter adopt a resolution requiring the immediate sale of said bonds and file the same with the clerk of the council: * * *

"Whenever any of the bonds above referred to have been sold and the proceeds deposited in the city treasury the said board which by this charter is given superintendence and control of such public work, improvement, or purpose shall have control of the expenditure thereof and shall cause the same to be expended for the purposes or objects for which the said bonds were voted, in the same manner as provided in this charter for the payment of other funds from the city treasury."

Section 222 of the charter provides:

"The board shall provide for the cost of extensions and betterments of said water works and electric works from the funds derived from the sale of bonds, general or district, so far as such funds may be made available for the use of the board for said purposes, and so far as such funds shall not be made available for the use of the board therefor, from revenues received from the works to which such extensions and betterments pertain, and from the proceeds of loans contracted as provided by section 224."

Section 224, as amended, provides as follows:

"The board shall also have power upon determining that an emergency exists which justifies it in so doing, to borrow money under such procedure as may be prescribed by ordinance, and upon terms and conditions approved by the council and by the mayor, for the purpose of acquiring, constructing, reconstructing, repairing, extending, improving, or operating works for supplying the city and its inhabitants with water or electric energy, and to issue notes, certificates, or other evidences of indebtedness therefor, subject to the following provisions:

"(1) The principal and interest of any indebtedness so created shall be payable only out of the revenue fund pertaining to the municipal works for or on account of which such indebtedness was created; excepting, however, that provision may be made for the payment of any such water or power indebtedness, or any part thereof, by the authorization and sale of general municipal or district bonds in the manner elsewhere prescribed in this charter.

"(2) The whole amount of any such indebtedness shall be payable in not to exceed five years from the time of contracting the same: *Provided*, That any such indebtedness, or part thereof, made payable after one year from the time of contracting the same shall be subject to the right of the board to pay the same with accrued interest thereon on any interest due date after said 1-year period.

"(3) The total outstanding indebtedness incurred under the provisions of this section for the purpose of either of such municipal works must not exceed 33⅓ per cent of the gross operating revenue from such works during the preceding fiscal year.

"(4) The rates for service from the municipal works for or on account of which any such indebtedness is created shall be so fixed as to provide for payment at maturity of the principal and interest of such indebtedness in addition to all other obligations and liabilities payable from the revenue fund pertaining to such works."

Section 369 of the charter provides:

"No department, bureau, division, or office of the city government shall make expenditures or incur liabilities in excess of the amount appropriated therefor."

Under the city's charter three sources of resources are possible to the water and power department for purposes here relevant:

(a) Proceeds of bonds authorized by two-thirds of the voters for specific power purposes;

(b) Proceeds of notes or bonds issued by the board in accordance with section 224, limited to emergencies and limited in amount;

(c) The power revenue fund.

The board may appropriate from these funds if and when available.

However, the board may not incur any liability in excess of the amount appropriated. An attempt to incur any liability in excess of the amount appropriated therefor is null and void. It makes no difference whether the liability is sought to be presently incurred or whether it is to be incurred in the future, the attempt is void.

At the present time we are advised that there are no funds in existence derived from sources (a) or (b) above from which appropriation could be made. It is extremely doubtful whether section 224 of the charter is applicable to the present situation, since it can not be honestly said that an emergency justifying the board in borrowing money now exists. However, that may be, the money has not been borrowed nor appropriated.

If it be contended that future revenues of the department will be sufficient to provide the necessary funds, it is wholly immaterial. The statute requires an appropriation before capacity exists to create a liability. Similar statutes of the United States (Rev. Stat., secs. 3722, 3733, 3679) have been held to prohibit the making of contracts incurring future liabilities when no appropriation therefor existed. (Pan American Co. *v.* United States, 273 U. S. 456, 501–502; Mammoth Oil Co. *v.* United States, 275 U. S. 13, 34; Leiter *v.* United States, 271 U. S. 204; Sutton *v.* United States, 256 U. S. 575, 578–579.)

The meaning of section 369 of the charter is plain and its purpose is plain. Read with section 222 it is doubly plain. The latter section points out the sources of funds from which the department of water and power shall provide for the cost of improvements and extensions. The former section states unequivocally that no liability shall be incurred by any department in excess of the amount appropriated to meet the liability.

In our opinion, therefore, the department of water and power of the city of Los Angeles does not have the legal capacity to bind itself to make payments to the United States in excess of amounts appropirated therefor for furnishing and leasing power-generating facilities, nor to bind itself in excess of amounts appropriated therefor to furnish a power transmission line. As stated above, no moneys have been made available to the department for this purpose from the sale of bonds. We are also informed that no moneys have been appropriated for this purpose by the board from the power-revenue fund. In our opinion, therefore, the instrument, as amended, is void on account of lack of legal capacity on the part of the board of commissioners of water and power to incur the liabilities stated above.

II. The obligations of the Metropolitan Water District are wholly dependent upon the performance of the lease agreement by the city

By article 10(d) of the lease agreement with the city, the city is made the generating agency for the district. The agreement with the district in article 10 thereof provides that "generation of energy allocated to the district shall be effected by the city."

By article 11 (d) of the agreement with the district, the district after the generating equipment is ready for operation must look to the city and not to the United States for compensation for injury and/or damages of any kind which may in any manner arise out of the operation and maintenance of the portion of such plant leased to it.

Article 14 of the agreement with the district, including the proposed amendment thereof, provides:

"The minimum quantity of firm energy which the district shall take and/or pay for each year (June 1 to May 31, inclusive) under the terms of this contract, and after the same is ready for delivery to the district, as provided in subdivision (b) of article 11 hereof, shall be 36 per cent of all firm energy, as defined in article 9 available in said year."

It is plain, therefore, that since the lease agreement purported to be made with the city is void for the reasons given in this and in our prior opinion relating to the lack of legal capacity on the part of the city and the board to make it, the agreement with the district is subject to a vital infirmity. The district purports to be bound to take and pay for energy made available to it by the city as the generating agency. There is no valid agreement with the city or its department of water and power obligating either to lease the power plant or to generate energy.

The district is not bound to make any payments to the United States unless and until its duly designated generating agency makes energy available to it. At most, therefore, the agreement with the district is an agreement subject to a condition precedent the performance of which has not been assured by any valid contract. Such an agreement is not, in our opinion, a contract assuring any payments whatever to the United States within the meaning of section 4 (b) of the Boulder Canyon project act.

Respectfully,

COVINGTON, BURLING & RUBLEE,
By DEAN ACHESON.

WASHINGTON, D. C., *June 3, 1930.*

Mr. ASHURST. Mr. President, I am grateful to the Senators who have remained to this late hour to hear me, and I shall be much gratified—if the gratification of myself means anything to the Senate—if this cloture petition could be withdrawn. I do not want cloture applied to Arizona.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. ASHURST. I do.

Mr. PITTMAN. In view of the statements made by the two Senators from Arizona with regard to their intentions in this matter, I have not any doubt but that the chairman of the committee will show his confidence in them, which is shared by all of us, and that at the proper time, with the consent of the Senate, an effort will be made to withdraw the cloture petition. I know, as one of the signers of it, that I should like to have that done; and I have not the slightest doubt but that the other signers of it will feel the same way, in view of the statements made by these two Senators that they have not had any intention to filibuster at any time, and that they are going to present their whole case in two hours each. Therefore it seems to me that cloture will be totally unnecessary; and I should like to see an expression of confidence in that way.

Mr. JONES. Mr. President, my attention was diverted to another matter, and I did not hear what the Senator said.

Mr. ASHURST. I am about to conclude, and shall ask five minutes to-morrow morning, and I want this cloture motion withdrawn.

The VICE PRESIDENT. The Chair could not agree to do that until after the routine morning business is concluded, under the unanimous-consent order.

Mr. ASHURST. After speaking five minutes to-morrow morning I then shall have said all that legitimate debate would permit me to say on this item of this bill.

Mr. JONES. Mr. President, I desire to say that I feel very much disposed to comply with the suggestions made by the Senator from Nevada.

Mr. ASHURST. I thank the Senator.

Mr. JONES. I desire, however, if the Senator will permit me, to submit a parliamentary inquiry to the Chair, and that is whether or not I can at any time, if I desire to do so, withdraw the petition?

The VICE PRESIDENT. The Chair is of the opinion that the Senator proposing the cloture petition may withdraw it.

Mr. ASHURST. Trusting to the generosity and the fairness of the Senator, I conclude by reading from a letter addressed to me by one of the leading lawyers of Arizona. I will ask the Senate to excuse me from giving his name, as I have not the authority from him to do so. I do not know that he expects or desires me to read his letter in the Senate, but if any Senator wishes to see the signature attached to the letter, he may do so.

I omit to read certain parts of this letter, because they are complimentary to myself, and I do not wish to be in the attitude of reciting to the Senate some highly eulogistic sentences regarding myself. I have been praised by newspapers and by friends, no doubt far beyond my desert, so I may well afford to be modest enough to pretermit them.

This gentleman from whose letter I now read is himself a sound lawyer. He is a graduate of Stanford University and is one of the leading lawyers of Arizona. He is worthy to sit upon the United States Supreme Court bench.

* * * * * * *

1. As to the contracts, the opinions of Judge Covington's firm will completely serve your purpose. In view of the specific language of the project act, it will be nothing short of amazing if the Federal Government embarks upon that tremendous project on the basis of the amended contracts. Mr. Cragin's statement before the House committee in connection with the Covington opinion leaves no doubt whatever that the Government has merely optional contracts with the Metropolitan District, a contract with the Bureau of Power and Light of the city of Los Angeles on which the city is not responsible, and a contract with the Southern California Edison. In spite of the strained and surprising opinion by the Attorney General, it is perfectly plain that these contracts afford no firm protection to the United States.

You will recall that the Secretary of the Interior placed all three contracts before the House committee with the assertion that other than the water contract of the Metropolitan District, the contracts imposed firm obligations on the district, the State, and the company to take and/or pay for 100 per cent of the firm energy.

Everyone has now receded from that position. The Attorney General does not even discuss the contracts with the metropolitan water district.

Also, the Secretary at the outset made very specific statements as to the substantial revenues which would accrue to Nevada and Arizona from these contracts. Now, however, when we ignore the district contracts, as we must, it is admitted that the city and company contracts will barely take care of amortization, operation, and maintenance, at best, leaving nothing for Arizona or Nevada. The hopes of Arizona and Nevada, in other words, rest upon the optional contracts executed by the district.

* * * * * * *

3. It is striking indeed to note the way the Secretary proceeds to execute the intent of the project act. Although the district has no rights whatever in the river, no perfected appropriation of any character, he proceeds to offer to sell 1,050,000 acre-feet of water, which water does not belong to the United States at all. He proposes to make a nominal charge of 25 cents per acre-foot applicable only to water actually taken, no charge being made for the storage service. That was in spite of the fact that his engineers figured out a necessary minimum charge exceeding 60 cents per acre-foot notwithstanding the fact that in our negotiations the California commission indicated a willingness to pay $1 per acre-foot and notwithstanding the fact that the Sibert commission considered $1.50 per acre-foot too low. We were demanding $2 per acre-foot, about two-thirds of a cent per thousand gallons, and although it is repeatedly stated by southern California that the project will create taxable property in southern California to the amount of $20,000,000,000, and although the Los Angeles water rate is vastly lower than that of San Francisco, they absolutely balked at paying $2 per acre-foot for water which they say is vitally necessary to them, and to which they probably can get no right except by agreement with Arizona.

4. The Swing-Johnson bill required California to limit herself to 4,400,000 acre-feet of III–a water plus one-half of the surplus. We offered them as much water as they asked for at Denver in 1927, believing that our proposal would be instantly accepted. At the Denver conference there was no discussion of dividing anything but main-stream water, nor had there ever been up to the time of our conference at Santa Fe early last year. It then developed that California under her definition of surplus waters, possibly correct under the Colorado River compact, which Arizona has not signed, they would expect to be permitted to take from the main stream the equivalent of one-half of the reconstructed flow of the Gila. The Gila waters, of course, are covered by appropriations prior to any in California. The Gila has never been used in the Imperial Valley except in rare periods of flush floods during the dry summer season. California diversions are intended to be made at points above the mouth of the Gila and yet they have insisted always upon the amount of water which would give them the equivalent of one-half of the Gila flow in addition to their proper share of unapportioned main-stream waters.

At Denver the upper basin governors offered them 4,200,000 acre-feet of apportioned water. They said they must have 4,600,000 and refused the settlement offered by the upper basin governors. The bill suggested that they take 4,400,000, but they have never been willing to make any agreement which would tie them to 4,400,000 acre-feet of III-a water plus one-half of the unapportioned water in the main stream, which is what the project act means.

5. They say they must have 5,800,000 acre-feet from the main stream; 1,000,000 acre-feet for the coastal plain and 4,800,000 acre-feet for the agricultural areas which now do not have rights for as much as 2,500,000 acre-feet.

The Colorado River offers the only available water for any substantial increase of the irrigated area in Arizona. The Parker-Gila project embracing 700,000 acres, requiring, say, 3,000,000 acre-feet of water, can never be developed if California gets what she asks for.

The project act authorizes an appropriation to investigate the Parker-Gila project, but no such appropriation is asked for by the Secretary, nor will it be, with his present hostile attitude toward Arizona.

California asserts that Arizona can not economically use any water from the river. California plans to spend $250,000,000 for the diversion of 1,000,000 acre-feet to the coastal plain, not for domestic uses, but for irrigation purposes. * * * If Arizona were permitted to bring in all acreage that could be brought in within an acreage cost equivalent to that proposed by the district aqueduct, she could take all of the waters of the river and much more.

6. The project act as a piece of coercive and discriminatory legislation specifically directed at a sovereign State, has no parallel in our legislative history unless it be found in the infamous reconstruction following the Civil War.

Except for the evidence afforded by the act itself, it would seem incredible that Congress would pass an act specifying that the project waters should be delivered to Imperial and Coachella Valleys free of charge, whereas Arizona must pay for any of the waters she gets. It would be incredible that Congress would say to Arizona, as has been said in the project act, that any water she may take from the project must be under the terms and conditions of the compact, which she has never ratified, thus attempting to force the compact upon Arizona without her consent.

Mr. President, with a sincere purpose to compare differences and with much ability and with commendable zeal, the responsible authorities of Arizona, and particularly the junior Senator from Arizona [Mr. HAYDEN] and Representative DOUGLAS, of Arizona, have extended the hand of friendship, of amity, and of compromise to California, but we have not been able to reach a composition of differences, and a resort to the highest judicial tribunal of our land is now apparent.

Mr. President, I would like, if I could, to be recognized for five minutes in the morning, and if I may get such assurance, I will surrender the floor.

The VICE PRESIDENT. Let the Chair suggest that the Senator yield the floor with the understanding that he is to be recognized immediately upon the taking up of the pending bill after the routine morning business to-morrow. There is an agreement to proceed with the routine morning business before this measure is laid again before the Senate. Does the Senator yield the floor with that understanding?

Mr. ASHURST. Yes; I yield the floor with that understanding.

Mr. JONES. Mr. President, in view of the assurances of the Senators from Arizona—and I know that absolute reliance can be placed on those assurances—I feel that resort to cloture is not necessary to the early disposition of this bill. So I ask that the motion for cloture may be withdrawn.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent to withdraw the cloture motion. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES. Mr. President, I rather feel that under the circumstances—and I invite the attention of the Senator from Arizona to this—the understanding with reference to the disposition of the Boulder Dam item should be continued and it should be disposed of before we pass upon the two remaining committee amendments. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES. Again I want to assure the Senate that I shall do everything I possibly can to have the pending bill disposed of to-morrow just as soon as possible, and at any rate before we conclude our session to-morrow.

ADJOURNMENT

Mr. McNARY. I move that the Senate carry out the unanimous-consent agreement heretofore made and adjourn until 11 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 45 minutes p. m.), under the order previously entered, adjourned until to-morrow, Thursday, June 26, 1930, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 25, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Father, we rejoice that our God is love and that we are His children. Help us to know ourselves as temples of Thine, and that the essential principle in us is God! Therefore the possibilities of good are greater than the possibilities of evil. Clothe us with Thy spirit, and may we realize that there is nothing so kingly as truth and nothing so royal as love. Make use of us, our Father, wherever we are. Impress us that a little more silent sympathy, a little more restraint of temper, and a few more tender words dim the shadows of discouragement and help the soul to meet its challenge. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell;

H. R. 10826. An act to provide for the renewal of passports; and

H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 2810. An act for the relief of Katherine Anderson;

H. R. 9707. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds in any sum not to exceed $1,000,000 for the purpose of acquiring public-utility properties, and for other purposes; and

H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 397. An act for the relief of Ella H. Smith;

S. 1446. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia;

S. 3444. An act to amend the Federal farm loan act with respect to receiverships of joint-stock land banks, and for other purposes; and

S. 4515. An act to commemorate the Battle of Helena, Ark.

WORLD WAR VETERANS' LEGISLATION

Mr. JOHNSON of South Dakota. Mr. Speaker, both the House and Senate have passed bills with reference to World War veterans' legislation. The contents of those bills are such and the entire situation is such that I do not deem anything would be gained by sending the bills to conference. I therefore ask unanimous consent to take from the Speaker's table the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 11, strike out all after "purposes" down to and including "director," in line 5, page 2, and insert "and."

Page 4, strike out lines 3 to 14, inclusive.

Page 4, line 20, strike out "renewal" and insert "renewable."

Page 4, line 24, strike out "renewal" and insert "renewable."

Page 5, line 5, strike out "renewal" and insert "renewable."

Page 7, strike out lines 3 to 12, inclusive, and down through and including "director," in line 13, and insert:

"No suit shall be allowed under this section unless the same shall have been brought within six years from the date of the denial of the claim by the director, or within one year from the date of the approval of this amendatory act, whichever is the later date."

Page 9, line 14, strike out all after "amended," down to and including "deceased," in line 18.

Page 12, after line 2, insert:

"SEC. 7. That section 30 of the World War veterans' act, 1924, as amended (sec. 456, title 38, U. S. C.), be hereby amended by adding thereto a new subdivision to be known as subdivision (e), and to read as follows:

"'(e) The director may authorize an inspection of bureau records by duly authorized representatives of the American veterans of all wars, and of the organizations designated in or approved by him under section 500 of the World War veterans' act, 1924, as amended, under such rules and regulations as he may prescribe.'"

Page 12, line 3, strike out "7" and insert "8."

Page 12, line 4, strike out all after "amended" down to and including "Code)" in line 5.

Page 12, strike out lines 12 to 19, inclusive.

Page 12, line 21, strike out all after "amended" down to and including "Code)" in line 22.

Page 12, line 23, strike out "39" and insert "38."

Page 12, line 24, strike out "39" and insert "38."

Page 14, line 3, strike out all after "provided" down to and including "applicant" in line 8 and insert: "; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: *Provided,* That no person suffering from paralysis, paresis, or blindness, or from a venereal disease contracted not later than the date of his discharge or resignation from the service during the World War (including any disability or disease resulting at any time therefrom), or who is helpless or bedridden as a result of any disability, shall be denied compensation by reason of willful misconduct."

Page 14, line 8, strike out "Act" and insert "section and section 304 of this act."

Page 14, line 22, strike out all after "record" down to and including "claim:" in line 15, page 15.

Page 15, line 15, strike out "further."

Page 15, line 18, strike out "an active."

Page 15, line 18, strike out "disease."

Page 15, line 19, after "lethargica" insert "leprosy."

Page 16, line 3, strike out "and" and insert a comma.

Page 16, line 5, after "lethargica," insert "leprosy."

Page 16, line 7, strike out "or" and insert "of."

Page 16, line 9, after "conclusive" insert "in cases of tuberculosis and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence."

Page 17, line 1, strike out "(1)" and insert "(1)."

Page 17, lines 2 and 3, strike out "sections" and insert "section."

Page 17, line 3, strike out "475."

Page 17, line 9, after "$75" insert "*Provided,* That in case there is both a dependent mother and a dependent father, the amount payable to them shall not be less than $20."

Page 24, line 7, strike out all after "disease" down to and including "otherwise" in line 8 and insert "of a compensable degree, who in the judgment of the director has reached a condition of complete arrest of his disease."

Page 24, line 9, after "month," insert "*Provided,* That the rating of any person once awarded compensation under this provision shall not hereafter be so modified as to discontinue such compensation or to reduce it to less than $50 per month, and payments to any such person whose rating has heretofore been so modified shall be resumed at the rate of not less than $50 per month from the date of such modification."

Page 24, line 15, strike out "amendatory."

Page 24, strike out lines 21 to 24, inclusive, and insert:

"SEC. 14. (1) That so much of the second sentence of subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), as precedes the first proviso thereof, be hereby amended to read as follows: 'The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses incident to hospitalization to veterans of any war, military occupation, or military expedition, including those women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901, and including persons who served overseas as contract surgeons of the Army at any time during the Spanish-American War, not dishonorably discharged, without regard to the nature or origin of their disabilities.'"

"(2) That the following new paragraphs be added to subdivision (10) of section 202 of the World War veterans' act, 1924, as amended (sec. 484, title 38, U. S. C.), to read as follows."

Page 25, line 1, strike out "Where" and insert "Hereafter where."

Page 25, strike out lines 24 and 25, and lines 1 to 6, inclusive, page 26, and insert:

"Hereafter any veteran hospitalized under the provisions of this act, as amended, for a period of more than 30 days, shall be paid an allowance, in addition to any other benefits to which he may be entitled, at the rate of $8 a month (commencing with the expiration of such 30-day period) during the period of hospitalization, in the event that such veteran certifies that he is financially in need, unless he is entitled to compensation or pension equal to or in excess of the amount of such allowance."

Page 28, line 14, strike out all after "amended" down to and including "Code)" in line 15.

Page 34, line 11, strike out "This" and insert "Except as provided by section 18 of this act, this."

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Should not the gentleman's request be to take bill from the Speaker's table and consider the Senate amendments? Will we not have to vote on the amendments?

The SPEAKER. The gentleman from South Dakota has asked to concur in the Senate amendments. The request requires unanimous consent.

Mr. JOHNSON of South Dakota. Regular order, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, may I ask the majority leader if this procedure was agreed upon last night in the caucus in which they entered into a covenant of death on veterans' legislation?

Mr. TILSON. A conference was held last night by a group of Republicans. I was not authorized to make any statement concerning it on the floor of the House. [Applause.]

Mr. JOHNSON of South Dakota. Regular order, Mr. Speaker.

Mr. RANKIN. Since they are getting nervous on the Republican side, I will not object. We on the Democratic side are for the bill as it came from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Senate amendments were concurred in.

RELIEF OF CERTAIN OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to call up a conference report on the bill (H. R. 10919) for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to call up a conference report on the bill H. R. 10919. Consent is necessary, this being Calendar Wednesday. The Clerk will report the bill.

The Clerk read the title of the bill.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steininger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agree to the same.

H. W. TEMPLE,
JOSEPH W. MARTIN, Jr.,
J. CHAS. LINTHICUM,
Managers on the part of the House.

GEO. H. MOSES,
CLAUDE A. SWANSON,
KEY PITTMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10919) entitled "An act for the relief of certain officers and employees of the Foreign Service of

the United States, Elise Steininger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," submit the following detailed statement in explanation of the effect of the actions agreed upon and recommended in the conference report, namely:

The Senate recedes from its amendment numbered 1 which provided for the payment to Alice D. Hollis, widow of William Stanley Hollis, the sum of $7,000, being one year's salary of her deceased husband who died while in the Foreign Service.

The House recedes from its disagreement on amendment numbered 2 which authorizes payment to Elwood G. Babbitt and to various officers and employees then attached to the office of the commercial attaché at Tokyo, Japan, various sums representing losses sustained in the Japanese earthquake, and further authorizes payment to various persons sums representing value of personal property lost by shipwreck on June 7, 1919.

The House recedes from its disagreement to amendment numbered 3, which authorizes and directs the General Accounting Office to credit the account of Fayette W. Allfort, commercial attaché Berlin, Germany, the sum of $200, such sum representing the amount stolen from his safe in the office of the American commercial attaché at Berlin, Germany, on the night of March 29, 1924.

The House recedes from its disagreement to amendment numbered 4, which provides for the payment to U. R. Webb, commander, Medical Corps, United States Navy, the sum of $6,534 in reimbursement for the loss by earthquake and fire of personal property in Yokohama, Japan, while he was serving as commanding officer of the United States Naval Hospital in that place.

H. W. TEMPLE,
JOSEPH W. MARTIN, Jr.,
J. CHARLES LINTHICUM.
Managers on the part of the House.

The SPEAKER. Is there objection?

There was no objection.

The conference report was agreed to.

COPYRIGHT AND RADIO

Mr. BUSBY. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an opinion rendered by the Federal Court of the Western District of Missouri relating to the right of a copyright holder to proceed against radio receiving sets on his claim of copyright.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BUSBY. Mr. Speaker, under leave to extend my remarks, I desire to call attention of the Members of the House to the decision of the Federal court for the Western District of Missouri. The court decided the question as to the right of the holder of a copyright on music to collect for an infringement of his copyright where that music is received on a master radio receiving set in a hotel, and through that set furnished to guests in the public rooms. The infringement claim was denied. The full opinion of the court follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION

Gene Buck, as president of the American Society of Composers, Authors, and Publishers, and De Sylva, Brown & Henderson (Inc.), a corporation, plaintiffs, *v.* Wilson Duncan, operating radio station KWKC, and Jewell-La Salle Realty Co., a corporation, defendants. In equity No. 1204.

Gene Buck, as president of the American Society of Composers, Authors, and Publishers, and Leo Feist (Inc.), a corporation, plaintiffs, *v.* Jewell-La Salle Realty Co., a corporation, defendant. In equity No. 1207.

E. S. Hartman, of Chicago, Ill.; Maurice J. O'Sullivan, of Kansas City, Mo., attorneys for plaintiffs.

Nathan Burkan, Louis D. Frohlich, both of New York City; Karl P. Spencer, of St. Louis, Mo.; Philip Cohen, of Los Angeles, Calif., of counsel.

Charles M. Blackmar, Kenneth E. Midgley, of Kansas City, Mo., attorneys for defendant, Jewell-La Salle Realty Co.; Meservey, Michaels, Blackmar, Newkirk & Eager, of counsel.

MEMORANDUM OPINION

In these two cases plaintiffs seek injunctions against and damages from the defendant Jewell-La Salle Realty Co. on account of alleged copyright infringements. In case No. 1204 it is alleged that the defendant infringed and threatens to continue to infringe the copyright to a musical composition entitled "Just Imagine," and in case No. 1207 it is alleged that the defendant infringed and is threatening to continue to infringe the copyright to a musical composition entitled "I'm Winging Home (Like a Bird That Is on the Wing)."

The facts are that the Jewell-La Salle Realty Co. owns and operates in Kansas City, Mo., a hotel known as the La Salle Hotel. In that hotel it has a master radio receiving set, by means of which it furnishes musical entertainment to its guests in its public rooms and also to the 200 private rooms by means of wires leading from this master radio-receiving set. Any musical composition picked up by the receiver can be and is simultaneously heard throughout the hotel.

On October 4, 1928, and at other times, the musical compositions "Just Imagine" and "I'm Winging Home (Like a Bird That Is on the Wing)" were thus heard in the hotel.

These musical compositions were copyrighted. The American Society of Composers, Authors and Publishers had the exclusive nondramatic performing rights in and to these musical compositions, and these suits are brought by Gene Buck, one of the plaintiffs, as president of that society, and by the owners of the copyrights.

The question in the cases, so far as count 1 in each case is concerned, is whether the defendant upon the facts stated infringed the copyrights.

1. Section 1 of the copyright act provides:

"That any person entitled thereto, upon complying with the provisions of this act, shall have the exclusive right:

* * * * * * *

"(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * *."

Did the defendant "perform" the copyrighted works here involved "publicly for profit"? If it did, the injunctions sought should issue and damages should be awarded.

I think the defendant did not perform these musical compositions in the sense in which the word "perform" is used in the act.

One who plays a musical composition on a piano, thereby producing in the air sound waves which are heard as music, certainly performs that musical composition and if the instrument he plays on is a piano plus a broadcasting apparatus, so that waves are thrown out, not only upon the air but upon the ether, then also he is performing the musical composition. He who only hears the performance is not performing. If the sound waves from the piano fall on the unaided ears of a listener, that listener has no part in the performance, and if he is deaf so that he can not hear without the aid of an amplifier electrically operated, which magnifies the sound waves so that they become perceptible to him, he still has no part in the performance. It is true in the latter case he has been enabled to hear the music only by means of a machine operated by himself. By that means he has made that which was inaudible audible to himself. But he has not performed because he has not created. He has heard only what the performer at the piano created and sent out to be heard.

Would it be said that one who listens over a telephone to a performance on a piano at some point removed from him is himself performing the composition that he hears? It seems to me that that can not be said. If not, why not? The listener has not heard the sound waves produced by the piano in that case. The original sound waves have been translated into electrical impulses which have been carried by a wire to the place where the listener is. There, by a machine electrically operated, those electrical impulses have been changed again into sound waves which fall upon the listener's ears. The listener over the telephone has not performed because he has not created the music which he has heard.

The right to perform a musical composition is the right to translate that musical composition into waves of sound or waves of ether for the enjoyment of those who are enabled either by natural or artificial means to receive the auditory sensations those waves are calculated to produce. The right to perform a musical composition does not carry with it a proprietary interest in the waves that go out upon the air or upon the ether. They are as much the common property of all as the sunshine and the zephyr.

If I throw open a window so that I can hear the music of a band passing by, am I producing that music? Am I then the performer or participating in the performance? If I lift a telephone receiver and hear the voice of a friend, am I producing that voice? Is it my speech or his? If in perfect analogy to these illustrations, by mechanical means, I receive as music what has been produced elsewhere in such a way that it penetrates my house, I am not the performer who has produced that music.

It is true that if one plays on his phonograph a record of a piece of music, he is performing. If it is a copyrighted musical composition and if the performance is public and for profit, then his act is an infringement of the copyright. Plaintiffs say that there is no difference in principle between playing by phonograph a record impressed on bakelite and playing by radio receiver a record impressed on the ether. Obviously there is a difference. The record on bakelite is a separate and distinct thing from the original performance in the studio where the record was made. Playing that record is performing anew the musical composition imprinted on it. The waves thrown out upon the ether are

not a record of the original performance. They are the original performance. Their reception is not a reproduction, but a hearing of the original performance.

The reception of a musical composition on a radio receiver is not a performance at all. Of course, then, the defendant did not perform these copyrighted musical compositions.

Moreover, infringement must be an intentional act. I do not mean by that that one who performs a copyrighted musical composition publicly for profit is not guilty of infringement merely because he does not know the piece is copyrighted. The law is otherwise. But certainly there must have been an intentional performance of the musical composition. There is an intentional performance when, for example, one plays on an instrument from a sheet of music a piece of music. There is an intentional performance when one plays on a phonograph a record. In either of these cases if the performance is public and for profit there is infringement if the musical composition is copyrighted, and that whether the performer is or is not cognizant of the copyright.

Suppose, however, the proprietor of a hotel has a phonograph playing in his dining room for the entertainment of his guests and suppose that without any request from him or participation on his part a stranger surreptitiously places in the machine a record of a copyrighted musical composition. Would it not be unthinkable that that hotel proprietor should be held guilty of infringement and subjected to damages? His intent in no wise entered into that performance. If it was a performance, in no sense was it his performance. It is not possible that mere ownership of a musical instrument carries with it liability for any use to which another may put that instrument.

So, in this case the defendant did not intentionally perform the copyrighted musical composition, even if it be granted that radio reception is performance. The defendant had a right to have a radio in its hotel for the entertainment of its guests and to operate that radio. If, while it was operating, some other than the defendant, wholly without defendant's participation, put upon the ether and so threw into defendant's radio electric impulses which came out of the radio as an audible rendition of a copyrighted musical composition, that was not in any sense the act of the defendant. The intent of the defendant did not enter into that act. If it was a performance of a musical composition it was a performance not by the defendant, but by the broadcaster on the defendant's instrument.

If radio reception of a musical composition is not performance of that composition, and if, though it be, it is not performance by the owner of the radio-receiving instrument, it is not necessary to consider whether the defendant operated its radio for profit. The plaintiffs are not entitled to either the injunctions prayed or damages sought.

I have cited no authorities because there are none. The case is one of first impression. Certain cases have been cited by the plaintiffs by reason of dicta thought by plaintiffs to be pertinent to the issue here and those cases I have carefully considered, but I think they do not justify any other conclusion than that which I have reached.

2. In count 7 of case No. 1207 it is charged that the defendant infringed the copyright of a musical composition entitled "He's the Last Word." The infringement is admitted by the defendant. The sole question is as to the proper measure of damages. Plaintiffs insist that the minimum damages which may be allowed are $250, and the defendant insists that the damages which may be allowed are $10. The weight of authority is with the plaintiffs. Waterson, Berlin & Snyder Co. *v.* Tollefson, 253 Fed. 859; Witmark & Sons *v.* Pastime Amusement Co., 298 Fed. 470; Remick & Co. *v.* General Electric Co., 16 Fed. (2d) 829; Buck et al. *v.* Heretis, 24 Fed. (2d) 876. In only one decided case (Berlin (Inc.) *v.* Daigle, 26 Fed. (2d) 149) was a contrary conclusion reached and that case on appeal was reversed by the circuit court of appeals for the fifth circuit. Berlin (Inc.) *v.* Daigle, — Fed. (2d) —, decided April 2, 1929.

I resolve the issue in favor of the plaintiffs and on this count award plaintiffs damages against the defendant in the amount of $250 and an attorney's fee in the amount of $100.

A decree embodying the foregoing conclusions may be submitted for approval and entry.

MERRILL E. OTIS,
District Judge.

APRIL 18, 1929.

TAX REFUNDS

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Massachusetts [Mr. TREADWAY] for 10 minutes.

Mr. TREADWAY. Mr. Speaker, sometimes it is very difficult to move fast enough to keep up with inaccuracies and misstatements made on this floor. That applies to references made to taxation and revenue matters and also tariff matters by the gentleman from Texas [Mr. GARNER]. The gentleman from Texas ran true to form yesterday in furnishing this House with misinformation, inaccuracies, that he very readily could have corrected if he had desired, or if he had consulted some authorities.

I understand that occasionally Republican members of the Committee on Ways and Means, and particularly the Joint Committee on Taxation, are criticized that they do not answer misrepresentations as fast as they are made. I do not think that is a good way to go about this proposition. In the first place, how are the chairman and other members of the joint commission going to know of the inaccuracies which the gentleman from Texas nearly every day wants to present to this House? I think it is better to take a little time and look into his statements, and then come back in reply. That is my task this morning for the next 10 minutes.

I want to take up two or three of the misstatements and inaccuracies in the gentleman's remarks yesterday. First, the gentleman brings up as a reason for his remarks yesterday a report that has been made in connection with a refund to the Honolulu Consolidated Oil Co. of San Francisco.

He states:

It involves the years 1913, 1916, and 1920, inclusive. Gentlemen will recall when we had the Steel Corporation refund up that I called attention to the fact that the Baldwin Locomotive people had a refund for the taxes of 1912, and I have never heard an explanation of that. I really do not know why this 1913 tax is being refunded at this time.

Quite unfortunately the gentleman from Texas utterly fails to inform the House that the chairman of the Committee on Ways and Means, on March 20, 1930, on page 6088 of the CONGRESSIONAL RECORD, within a day or two of Mr. GARNER'S inquiry, fully explains the refund to the Baldwin Locomotive Works. Or, if he had but asked our expert, Mr. Parker, he would have obtained the obvious answer. And, if the gentleman from Texas had made even a casual inquiry, he would have discovered that the refund to the Honolulu Consolidated Oil Co. for the year 1913 (in an amount of $1,993.35—a most insignificant amount, while the gentleman from Texas contented himself with giving the refund for all years involved) is made upon exactly the same principles as the 1912 refund (again a very insignificant amount) to the Baldwin Locomotive people. The actual situation is that the refund in each of these cases was exactly in accordance with a specific provision of the revenue laws. But permit me to quote from Chairman HAWLEY'S reply to Mr. GARNER on March 20:

Another comment of the gentleman from Texas is in connection with the refund to the Baldwin Locomotive Works for the years 1912 to 1922. He seems to think the statute of limitations has run on the early years at least. If he will look at section 252 of the revenue act of 1921, he will find that Congress has specifically made this statute of limitations ineffective under certain circumstances. This section provides as follows:

"*Provided further,* That if upon examination of any return of income made pursuant to the revenue act of 1917, the revenue act of 1918, or this act, the invested capital of a taxpayer is decreased by the commissioner, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that an amount of income tax in excess of that properly due was paid in any previous year or years, then, notwithstanding any other provision of law and regardless of the expiration of such 5-year period, the mount of such excess shall, without the filing of any claim therefor, be credited or refunded as provided in this section."

How can the action taken by the commissioner in conformity with this law laid down by Congress be criticized? The statute of limitations is expressly waived in this type of case by the revenue acts. A provision similar to the one quoted above appears in both the 1924 and 1926 revenue acts.

In other words, the gentleman from Texas complains about the Secretary of the Treasury giving a refund in a case where, if there is any complaint to be made, which I doubt, it should be directed at the Congress which provided for refunds in such cases by law.

That is the explanation, as I see it, of the situation which the gentleman from Texas bore down so hard on yesterday. Further than that, these cases, about which the gentleman from Texas makes so many incorrect statements, are directly the result of the excess-profits tax legislation of 1917 to 1920, when the gentleman's own party was in power and authority. Therefore, let him take the blame back where it belongs.

Now, again, Mr. GARNER states that $73,000,000 was "given" to the United States Steel Corporation and that the court later decided they had no right to that refund. What an absurd statement! The gentleman from Texas must have known it was absurd when he stood on this floor and said we had made a "gift" of $73,000,000 to the United States Steel Corporation. I wish he would be a little more careful and punctilious in the statements he makes, and it is only in the hope that we may show him the error of his ways that we are going to bring these

things up from time to time. I suppose, however, it will do no good and that maybe to-morrow the gentleman from Texas will make a similar misstatement to those he made yesterday.

The two steel refunds have been discussed at length on this floor, every point of importance has been explained, and the entire record is available to anyone wishing to examine it. I shall not, therefore, go at length into the point raised by the gentleman from Texas. It involves the treatment of intercompany profits. The joint committee was advised of the point, and the proposed settlement discussed at length before the committee during its consideration of the proposed refund for 1918, 1919, and 1920. We were fully advised that a case involving the particular point was pending in the Court of Claims awaiting decision; that the point was decided by the bureau in accordance with its ruling which had existed since 1924; that if the bureau ruling was sustained by the court the refund based upon this point, of course, would be proper; that if the court ruled more favorably to the Government than the bureau position the principal amount of tax involved was about $6,000,000; and, on the other hand, if the court decided in favor of the taxpayer, the Government stood to lose approximately $36,000,000 in principal amount of tax. The joint committee approved the proposed settlement, and I am inclined to think that it would again approve the refund of a like amount, even after the Court of Claims decision in the Packard Motor Co. case. For there were concessions on the part of the taxpayer which amounted to much more than the $6,000,000 involved in the point in question, and the decision of the Court of Claims is not final. A petition for certiorari has been filed with the Supreme Court, which I am advised will not be acted upon until next fall.

The next and final point raised by the gentleman from Texas relates to a recent refund to the California & Hawaiian Sugar Refining Corporation for the year 1927 in the amount of $166,324.68. I need do no more than point out the statement in the letter from Mr. L. H. Parker, the joint committee's expert, inviting the attention of the committee to this particular case. Mr. Parker wrote:

> Inasmuch as there is still a difference of opinion on this issue it is believed that it would be advisable for the committee itself to consider this refund prior to its payment, for two reasons:
>
> (1) Because it is doubtful whether or not this corporation is exempt under the law; and
>
> (2) If it is exempt, then the committee might properly consider the necessity for revision of this subdivision of the law, because the 1928 act is identical with the 1926 act.

Now, as far as I can see from the above, Mr. Parker was doubtful as to the decision of the commissioner in this case, and in any event wished the committee to understand the practical working of the law so as to see if legislative revision was desirable. The committee, although it did not disturb the refund, agreed with Mr. Parker's recommendation that a report on tax-exempt corporations should be made.

And why should there not be a difference of opinion in regard to the interpretation of this section of the law covering "farmers, fruit growers, and like associations organized and operated on a cooperative basis"?

Who is willing to say just what the term "like associations" means? Does it mean associations of only farmers and fruit growers? Plainly not. We must give it some broader meaning than that. Does it mean agricultural associations only? Could it take in lumber men? Possibly it might take in tanners. My view is that it is the duty of Congress to remedy the indefiniteness of its own laws, and not to lay the blame on the Treasury Department.

In another part of this section it states that exemption shall not be disallowed if the association maintains reserves for "any reasonable purpose." What does "any reasonable purpose" mean? It is certainly a very indefinite limitation for a taxing statute.

It is my belief that the Joint Committee on Internal Revenue Taxation has conducted its work on an absolutely fair and nonpartisan basis. The minority members of the committee are furnished all the facts which they desire in connection with refunds or other subjects. But the gentleman from Texas, after being afforded fair treatment and all the facts, proceeds to use such information for political purposes.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. TREADWAY. My time is limited, but I will yield to my friend.

Mr. OLIVER of Alabama. The gentleman has called attention to the steel company case, involving many millions refunded, and his justification seems to be that if a committee charged with the duty of considering proposed settlements is advised that a suit is pending relative to tax refunds which may be decided within a few weeks that might save money to the Government or might mean losses to the Government that this committee, appointed by the Congress to look into matters of that kind, would be justified in its action on a case under those circumstances to assume that the decision will be adverse. I had never felt that any committee of Congress, clothed with an important duty like that, would ever assume to itself the right to make a guess of that kind and make for the Government a gambler's settlement of a large claim.

Mr. TREADWAY. We did not. We did not have any such authority. The Treasury people came to us with this statement, "If you do not interfere with our settlement of this case, which we have agreed upon and which the taxpayers have agreed upon, then we will make the settlement and take the responsibility. If you do not allow us to do that, you must take the responsibility." Now, if we took the responsibility, what did it mean? It meant that our committee or our staff would have had to search volumes and pages of records, filling rooms in the Treasury Department. We were not called upon to do that. The Treasury had done that. They were satisfied with the situation as they found it, and the Treasury people came before us and they told us that the settlement was very favorable to the Government.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. The point I make is this: If it appears to a committee, charged with duties such as your committee is charged with, that a case pending in court will soon be decided and determine legal questions involved in the proposed settlement, since the Government is interested only in following the law in its settlements, even where it involves losses to the Government. The Government, through your committee, is not supposed to play a gambler's game, and the very fact your committee was notified of the pendency of a suit, in which were involved important questions before you, it seems to me should have suggested the wisdom of waiting until that decision was rendered before permitting a case involving millions to be hastily compromised.

Mr. TREADWAY. Well, we were given the word of the Treasury officials who had gone carefully over this case for a period of years that the Government stood to gain, as the Government did, $36,000,000 against perhaps a chance of losing only $6,000,000 and the decision, as I understand it, was rendered on the basis of a change in the decisions of the court making it.

I want to touch now on the cases where the gentleman from Texas says we have not followed the advice of our tax experts.

Since this committee came into existence on March 1, 1927, the staff has examined 900 refund cases involving a total of $289,500,000, and the experts and the staff have only found three cases in which they thought there was a discrepancy in the report of the Government. I submit to the House this is a very, very small percentage of the total cases involved in these tax refunds, and if an independent group of expert men can not find more than three cases to criticize in three years' time, out of a total of 900 cases considered, I say the Secretary of the Treasury and his assistants are doing good work in the handling of these refund cases.

The gentleman from Texas printed a list purporting to be refunds amounting to $2,861,852,286.08. These refunds include other things besides refunds, such as abatements, that have never been in the Treasury at all, and I would say to the gentleman that the accurate figures of the actual refunds for the period he named are $1,191,000,000, plus, rather than the $2,800,000,000-plus figure that he gave us.

Further than this, as an offset to these refunds, there was collected in additional assessments upon the taxpayers $4,628,000,000. So instead of the Government paying out $2,800,000,000, as the gentleman represented, it has actually taken in $1,800,000,000 more from the taxpayers in the way of additional assessments than the gentleman represented had been refunded.

Which is the better side of the ledger, the side that shows the increases paid by the taxpayers or the gentleman's statement of these excessive refunds and "gifts," as he calls them?

During the period mentioned by the gentleman from Texas, there was paid by taxpayers approximately $29,000,000,000. Even if the entire amount mentioned by the gentleman had actually been refunded, it would not have amounted to more than 10 per cent of the taxes collected during the same period.

The gentleman from Texas knows that the Treasury Department does not make "gifts" to taxpayers, and further than

that, the Secretary of the Treasury is only to-day living up to the law that the gentleman's own party put on the statute books and which has since been repealed.

I appeal to the gentleman from Texas that when he wants to talk about tax matters or tariff matters or similar questions involving, as they do, intricate matters of figures, that he get his facts in a little better shape in his own brilliant mind before he places them before the House in an exaggerated way like he did yesterday. [Applause.]

I append an accurate table of items referred to.

Statement showing internal-revenue receipts, total amount of additional assessments and collections resulting from office audits and field investigations, and total amount of refunds of taxes illegally collected for the fiscal years 1917 to 1929 and first nine months of fiscal year 1930

Fiscal year	Total internal revenue receipts	Amount of additional assessments and collections resulting from office audits and field investigations	Amount of refunds of taxes illegally collected
1917	$809,393,640.44	$16,597,255.00	$887,127.94
1918	3,698,955,820.93	29,984,655.00	2,088,565.46
1919	3,850,150,078.56	123,275,768.00	8,654,171.21
1920	5,407,580,251.81	466,889,359.00	15,639,952.65
1921	4,595,357,061.95	416,483,708.00	28,656,357.95
1922	3,197,451,083.00	266,978,873.00	48,134,127.83
1923	2,621,745,227.57	[1] 735,216,858.00	123,992,820.94
1924	2,796,179,257.06	[1] 739,225,261.00	137,006,225.65
1925	2,584,140,268.24	[1] 457,314,407.00	[2] 151,885,415.60
1926	2,835,999,892.19	[1] 553,404,633.00	[3] 174,120,177.74
1927	2,865,683,129.91	[1] 416,669,507.00	103,858,687.78
1928	2,790,535,537.68	[1] 414,251,490.00	142,393,567.17
1929	2,939,054,375.43	[1] 405,855,476.00	190,164,359.48
First 9 months, 1950	2,277,453,096.15	[1] 222,831,964.00	90,713,042.43
Total, 13 years and 9 months	43,269,678,720.92	5,264,979,214.00	1,218,194,599.83
1921 to 1930, inclusive	29,503,598,929.18	4,628,232,177.00	1,190,924,782.57

[1] Includes jeopardy assessments as follows:

1923	$132,525,380.55
1924	161,515,217.33
1925	144,646,530.53
1926	148,867,165.26
1927	32,704,156.33
1928	45,685,725.80
1929	50,865,425.58
1930 (first 9 months)	26,401,949.05

[2] Includes $17,777,642.45 refunded taxes under provisions of section 1200 of the revenue act of 1924 (25 per cent refunds of 1923 individual income taxes).
[3] Includes $206,115.29 refunded taxes under provisions of above section of law.

It is interesting to note that the total amount of refunds of taxes illegally collected which were made during the past 13 years and 9 months, namely, $1,218,194,599.83, is approximately 23 per cent of the total amount of additional assessments and collections resulting from office audits and field investigations ($5,264,979,214) which have been made during the same period. The percentage of the total refunds ($1,218,194,599.83) to the total internal-revenue receipts during the period in question ($43,269,678,720.92) is approximately 2.8 per cent.

MERGERS OF RAILROADS

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Ohio [Mr. CHALMERS] for 10 minutes.

Mr. CHALMERS. Mr. Speaker and Members of the House, this seems to be an open session. I am just now standing in the well of the House of Representatives, the greatest legislative body in the world. [Applause.] I am proud to be a Member of this body. I enjoy my job; in fact, I think it is the best job I ever held, at least since I was foreman on the river punching logs from the woods down to the booms in Grand Rapids, Mich.

But I want to say to you this morning that I am troubled and worried.

Mr. CHINDBLOM. Is the gentleman a logroller?

Mr. CHALMERS. No; I learned that profession of political logrolling from my genial friend from North Chicago. I could at one time stand on a log with my peavey in my hands and ride it across the river without being dipped, although I belonged at that time to the Baptist Church. [Laughter.]

I want to say that I am worried because some of my friends are worried. I have many railroad men in my home city, one of the greatest railroad centers in the United States, and they are worried about their jobs. This consolidation of railroads will throw a lot of them out of work. It is a serious matter. You, my colleagues, worry night and day about your jobs, and you send out a lot of mail to try to hold them. I wish we could do something to solve this railroad proposition and postpone consolidation until at least next March.

You have all had the same letter signed by many organizations saying that they are asking for a postponement of the consolidation proposition. The letter I received reads as follows:

WASHINGTON, D. C., *June 23, 1930.*

Hon. W. W. CHALMERS,
Washington, D. C.

DEAR CONGRESSMAN: It is most essential in the public interest that Congress enact proper legislation before further general railway consolidations are made and it is quite evident that this session of Congress will not have time to formulate new legislation. Therefore, acting on behalf of not only the railway employees but as well in the interest of the very many communities throughout the country which would be seriously affected if Congress does not act in a proper manner on railway consolidations, we are addressing you, urgently requesting your support of the so-called Couzens resolution (S. J. Res. 161), in the form it passed the Senate on May 21, 1930.

This resolution has as its object the suspension of action by the Interstate Commerce Commission in passing upon certain kinds of railway mergers or consolidations until March, 1931, thereby giving Congress time to take action on the general question of railway consolidations.

On account of the shortness of time until the adjournment of this session of Congress, it will mean the defeat of any effort to estop undesirable consolidations or mergers unless the resolution, as passed by the United States Senate, is approved by the House of Representatives. Therefore, any amendment or change in this resolution as it has passed the Senate means defeat of the entire question and undoubtedly irreparable injury will ensue before Congress reconvenes.

The request for your support of the Couzens resolution is made irrespective of any report which may be made by the Committee on Interstate and Foreign Commerce of the House of Representatives and notwithstanding any substitute or amendment which may be proposed on the floor of the House to the resolution as it was passed by the Senate.

Executive sessions, only, were held by the House committee, and no interested parties, so far as we know, were heard or consulted by this committee. Most certainly the representatives of the railway employees were excluded from such hearings and were in no wise requested to give their views on the resolution. On the other hand, extensive hearings were held before the Senate Committee on Interstate Commerce, the committee having this measure under consideration, before it was passed by the Senate.

Your earnest consideration and assistance in the passage of this resolution before this session of Congress adjourns is requested by us on behalf of the 22 associated railway labor organizations, as follows:

Brotherhood of Locomotive Firemen and Enginemen; Brotherhood of Locomotive Engineers; Order of Railway Conductors; Brotherhood of Railroad Trainmen; Order of Railroad Telegraphers; National Organization Masters, Mates, and Pilots of America; International Longshoremen's Association; National Marine Engineers' Beneficial Association; American Train Dispatchers' Association; Railway Employees' Department, American Federation of Labor; International Brotherhood Blacksmiths, Drop Forgers, and Helpers; International Brotherhood of Electrical Workers; International Brotherhood Firemen and Oilers; Brotherhood of Maintenance of Way Employees; Brotherhood Railway Carmen of America; International Association of Machinists; International Association of Sheet Metal Workers; International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers; Brotherhood Railway and Steamship Clerks; Brotherhood Railroad Signalmen of America; Switchmen's Union of North America; Order of Sleeping Car Conductors.

With assurance of our high esteem, we are,

Most sincerely yours,

G. W. LAUGHLIN,
Assistant Grand Chief Engineer and National Legislative Representative, Brotherhood of Locomotive Engineers.
ARTHUR J. LOVELL,
Vice President and National Legislative Representative, Brotherhood of Locomotive Firemen and Enginemen.
W. M. CLARK,
Vice President and National Legislative Representative, Order of Railway Conductors.
W. N. DOAK,
National Legislative Representative, Brotherhood of Railroad Trainmen.
A. F. STOUT,
National Legislative Representative, Brotherhood of Maintenance of Way Employees.

This is a list of patriotic labor organizations that can not be laughed out of court. These men are asking that this matter be deferred for a few months, so that we may see whether we can adjust the situation. I am worried about unemployment in this country, and I am afraid this is going to add to the troubles of that situation.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. O'CONNOR of New York. The gentleman is a member of the majority party in this House. That party controls the situation. If they want to bring in the Couzens resolution, they can do so, and the Democrats are waiting for them to do it, in order to give them some support. If the gentleman will prevail upon the leaders of his own party, he will not have to worry so much.

Mr. CHALMERS. I have great faith in my leaders, and I have great faith in the House of Representatives, and I never was so proud of the House of Representatives in the 10 years that I have been here as I am to-day.

Mr. PARKS. Mr. Speaker, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. PARKS. The gentleman knows that the committee that has reported the bill through its chairman intends to bring it up under suspension of the rules, where there will be no opportunity to debate the Couzens resolution or to have a vote on the Couzens resolution, and we will be compelled to vote up or down a substitute that nobody but a few leaders on the Republican side want.

Mr. CHALMERS. This is the situation that I am worried about, because my friends are worried about it, and I think justly so.

Mr. KNUTSON. Does the gentleman think that March 4, 1931, is sufficient time?

Mr. CHALMERS. I do not know, but postponement to March 1 would do no harm and would help.

Mr. KNUTSON. But here is the situation: We will adjourn, to meet again in December, and then we have the holidays, and then we have eight or nine big supply bills to put through before March 4. Will that leave us very much time for the consideration of this important question?

Mr. CHALMERS. I do not know; but it will put off the day of settlement for three months.

Mr. KNUTSON. Understand, I am for the Couzens resolution, but is the date sufficiently far ahead to enable Congress to make a study of it?

Mr. CHALMERS. We will cross that bridge when we get there.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. SLOAN. I am in harmony with the gentleman's suggestion, but is there any serious apprehension that any formal action will be demanded to be made in the Congress at this session on the subject that the gentleman is so ably discussing?

Mr. CHALMERS. I can not answer that question. I do not know.

Mr. KNUTSON. We can get action if we agree not to adjourn until we pass the Couzens resolution, can we not?

Mr. CHALMERS. I hope so.

Mr. KNUTSON. If the Democrats are solidly for it, I am sure that there are enough Members on this side to prevent adjournment until we get some action.

Mr. CHALMERS. Mr. Speaker, it does not seem to me that the associated railway labor organizations, representing the railway employees, have made an unreasonable request on Congress, and it is quite apparent that no damage can be done if consolidations are temporarily held up, giving Congress an opportunity to act by passing suitable and proper legislation.

I further wish to direct your attention to the fact that the Senate Committee on Interstate Commerce has been authorized by resolution recently passed by the Senate to conduct hearings during the recess of Congress on the general consolidation question. In addition to this the Interstate and Foreign Commerce Committee of the House of Representatives have had employed experts, who are making an investigation of the holding-company feature of railroad consolidation, which report, as I understand, has not as yet been completed.

There has been a great deal of contention with regard to the question of mergers or consolidations, and one of the most currently discussed cases is that where the Northern Pacific and Great Northern had a plan before the Interstate Commerce Commission, which plan was approved in substance by the commission. An analysis of this proposed merger, I am advised, would show that it undoubtedly will impose hardships upon certain communities and upon railway employees. It has also been alleged that the savings or economies made possible under this proposed consolidation of these two lines would in no manner add to the public interest, and undoubtedly there would be little, if any, savings accrue to the public as a result of this particular consolidation.

On the other hand, through the removal of terminals and other changes made, either directly or indirectly a large number of communities would be seriously affected and a great number of the railroad employees placed in a most embarrassing position. Consequently it does seem to me that the logical thing to do in the circumstances would be to have Congress take some definite and positive affirmative action as a guide by which future consolidations would be made.

I do not understand that under the Couzens resolution, as it passed the Senate, it would interfere with consolidations, but would give Congress an opportunity to pass suitable legislation dealing with this problem. Therefore I sincerely hope that this House will take action approving the Couzens resolution as it passed the Senate, and that each Member of Congress will have an opportunity to vote on the acceptance or rejection of the Couzens resolution as it is now before us. To not let this question come to a vote seems to me would be most unfortunate and unfair to the railroad employees, who have requested this action. I, for one, believe that a vote should be had on the acceptance or rejection of the Couzens resolution as it passed the Senate, and I believe every other Member of this House should have the same privilege.

TAXATION IN THE DISTRICT OF COLUMBIA

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of taxation in the District of Columbia.

The SPEAKER. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, I do not believe the average Congressman or private citizen is startled over elaborate arguments with which the District presents demands for a $9,000,000 gift or a $12,000,000 gift from the Federal Government. Until the District discloses it is entitled to $1,000,000 contribution or more by some definite measure of ascertainment it is hard to understand on what theory the Senate insists on any increase over the present $9,000,000 lump sum or even why that figure has sacredness in the present controversy.

No justification has been offered by the House committee for making the $9,000,000 gift to the District. It would seem as idle to figure the value of the Capitol Building with the Congressional Library added in the offset as to figure the value of the Washington Monument with the Congressional Cemetery in determining the Federal Government's just share of District tax or why these public buildings should be set off against District properties.

Nevada has 85 per cent of its area owned by the Federal Government and Utah has 75 per cent of its total area paying no tax to support these separate State governments.

Accepting as reliable some interesting statistics in the Evening Star of last night it appears that Utah pays only about $3,500,000 to the Federal Government and Nevada just tops $1,140,000 while the District of Columbia pays $17,094,719.09, or over fifteen times the Federal tax paid by Nevada and five times the tax paid by Utah. With 85 per cent of Nevada's area belonging to the United States just what tax should Congress pay Nevada or require Nevada to pay it to equalize matters with that State on the basis of the Congressional Cemetery, Washington Monument, and Capitol Building argument? Estimates might even include the cathedral and various churches and private schools that are not taxable any more than State capitols but no argument is based on that new theory of relative taxation.

The problem might be referred to Professor Einstein to determine approximate relativity of these interests, but in the excellent tabulation submitted in last night's Star it would seem that statement may carry its own argument.

The District of Columbia reports $17,000,000 in round numbers and Delaware, of less population, $30,000,000, or more than double the Federal Government per capita payment. That is offered as a basis for argument. But what relation has that to the $9,000,000 or $12,000,000 gift annually made to the District for District expenses?

New York City's contribution to the Federal Government is probably thirty times or possibly far more than that of Washington with a few of the other States in the Star statement thrown in for good measurement. That indicates that many wealthy people and wealth of other kinds are located in New York and also in Washington.

Whether they go there for Government or private business purposes or to escape taxation elsewhere is not so important as the fact that they have found a haven in New York and Washington.

On the basis of Federal taxes paid the Government it is likely that New York if given any direct return from Government appropriations would demand more than all the States of the South now receive with many Western States included, yet with flood control, rivers and harbors, and other Federal activities, New York has little to offer for its tremendous contribution to the Government tax and that received by the average State. Nor is that method of comparison any more en-

lightening than efforts to adjust the financial difficulties of the Fresh Air Taxi Co. by discussing the relative merits of the Black and White and 35-cent Yellow cabs in Washington.

Federal taxes returned by Washington and the District compared with the average State indicate that without large factories or industries of moment, such income taxes indicate the presence of many wealthy people, because where a $3,500 exemption exists with Federal income taxes presumably not one person in a dozen residing at Washington pays any Federal income tax, which may indicate that people of wealth come to Washington to live because it is a city of low taxes as well as great advantages.

From a glance at comparative personal income-tax returns it appears the District reported in 1925, an average year I assume, a personal income on which Federal tax returns were based, of $229,091,000. It is significant that this figure is over 10 per cent larger than the taxable income of the entire State of Virginia that reports $201,878,000. Nebraska with $116,495,000, Kansas $163,701,000, Tennessee $201,447,000, and many other States report less than the District of Columbia, while the great State of Nevada, with $22,062,000, reports less than 10 per cent of personal income subject to taxation reported in the District of Columbia.

Apart from all corporate income-tax returns that go to make up the $17,000,000 paid by the District toward support of the Federal Government, it is significant that if the District could report nearly a quarter of a billion dollars in personal income for the collections of personal Federal taxes, apart from corporate income taxes, it should give a proportionate return for State or District income taxes compared with the States that have such taxes.

In other words, if the average State income tax approximated one-half the Federal tax, that additional income might enable the District to raise $8,500,000 with which to help meet local expenses. Possibly a like District inheritance law would bring the average consolidated increase to more than $10,000,000 annually with which to supply District needs. This only points out one source of taxation open to the District that appears to have been overlooked.

New Yorkers pay a large Federal income tax and they also pay a State income tax. They pay a State and also a Federal estate or inheritance tax. So do the people of Wisconsin and people of many other States. Only five States and Territories pay no local inheritance tax and the District of Columbia, one of these, pays neither a local income or inheritance tax.

It is charged with many illustrations that real estate and other taxes paid in the District are far below those paid by the average State, and that neither local inheritance or income taxes are required from Washington residents or corporations. If true, what explanation can be offered for a rejection of any attempt to ascertain comparative tax returns of the District and the several States as a basis for determining whether $12,000,000 or $9,000,000 or even $3,000,000 is a just contribution by the Government for fire and police protection for the Washington Monument, Congressional Library, Congressional Cemetery, and other Government structures that are used as an offset by District tax experts.

No other State is charged by its capital city for having helped build up the city. The Government, State or Federal, is generally considered a benefactor, but in Washington it is decidedly different. Striking and constant opposition is ever at odds with the Federal Government on practically every point that affords grounds for controversy. It does no service to the District to say that the Members of one House or the other of Congress hold property in the District that may influence their vote, nor that the District is favored or unfairly treated without offering facts to sustain the statement.

A proposal that "realtors" from Washington on a commission may reach a correct solution has been suggested, but after the Federal Government frequently pays double the assessed value of property condemned or taken over for parks or other purposes, it does not seem that local experts who testify as to values are needed so much as experts who have no prejudices or preferences to influence their judgment.

The District may have a good case to offer for some contribution. Possibly it may reach $5,000,000 or double that amount. If so, it would be for such experts to show Congress, but the present hit-and-miss method is as unstable as Amos 'n' Andy's taxicab venture.

Again, it is hard to understand why anyone should disagree with the right of the District to run its own affairs, the same as every other capital city now does with a restriction that certain activities may be supervised or controlled by the Federal Government.

If the District would agree on its desire for suffrage and other mooted questions by a referendum vote and then come to Congress with a constructive plan for management of the city's affairs not to involve Congress in local troubles, it would promote civic spirit and remove much of the irritation that now exists.

This is only offered to point out one existing difficulty to a proper adjustment and is the statement of a layman who does not attempt to set up his judgment for the guidance of anyone. A present system of giving a lump sum as the just proportionate part of the District's expense is farcical until it is known what part the District should properly pay for its own support based on the experience of like municipalities, or of the 48 States.

Once fairly ascertained, the Government should pay the balance of District support after proper audit whether it be $1,000,000 or $10,000,000. A criticism as to that course may arise in Congress because of the fact that residents of Washington have many unusual advantages due to the fact that it is the center of the Federal Government and that it is worth more to live here than in other cities.

That is a natural element with home surroundings, but apart from such arguments I suggest that if the Milwaukee Journal, a paper comparable to like papers in Washington, both as to circulation and properties, with its publisher pays both State and Federal income taxes and lives under a State inheritance tax, that it is an example worth emulating by every other industry in that city and in other cities, including Washington, before asking for contributions as such from the Federal Government.

If, as contended, the real-estate and other taxes of localities with like advantages are higher in other States and pay more taxes than in Washington, the equalizers should determine what that difference is before making demands on the Federal Government.

Then, and only then, can just comparisons be drawn between the respective duties of the District and Federal Government in meeting costs of District maintenance.

The unusual action at the other end of the Capitol that declares the District must have more than $9,000,000 or nothing is unprecedented and probably arises from possession of facts unknown to Congress or to the general public, although based on my knowledge of this fiscal controversy since boyhood days when a resident of the Capital, the insistence may arise from inexperience of those sponsoring the demand.

I have offered a method of getting at the facts by the following resolution. It ought to be adopted in some form rather than maintain the present unbusinesslike method of dealing with District finances:

Resolution

Whereas the people of every State are proud of their Capital City and desire to have its administration, including school, fire, police, and other municipal activities maintained at the highest efficiency; and

Whereas the Federal Government, on behalf of such States, has annually contributed in recent years $9,000,000 to the support of the District of Columbia, or nearly $20 per capita; and

Whereas the people of the several States are alleged to be taxed far in excess of the assessment and tax rates paid by the residents of the District of Columbia for like property; and

Whereas people of more than 40 States now pay State estate taxes in case of death in addition to similar taxes paid to the Federal Government; and

Whereas the people in a large number of States pay State income tax in addition to the Federal income tax; and

Whereas the residents of the District of Columbia pay no estate taxes or income taxes, but, on the contrary, are alleged to pay less than their just proportion of costs for the support of the District; and

Whereas such charges and countercharges have disturbed the relations between the Federal Government and District government during recent years; and

Whereas every resident taxpayer of the District of Columbia, subject to reasonable exemptions, should be taxed on a fair basis compared with all other residents in ability to pay and compared with taxpayers of the several States which contribute to the maintenance of the Capital City; and

Whereas the House is chargeable under the Constitution with the duty of raising needed revenues for support of the Federal Government: Therefore be it

Resolved, That a committee of seven Members of the House be appointed by the Speaker for the purpose of recommending to the Congress a just income tax and a just estate tax law for the District of Columbia; be it further

Resolved, That such committee make a general survey of the relations of the Federal Government and the District of Columbia in order that any just proportion of payments be required from the Federal Government may be determined and recommended to Congress for enactment into law, and that the committee further examine and report any needed changes in existing law for the administration of the District of Columbia and for its relations with the Federal Government.

Said committee is authorized to send for persons and papers, to administer oaths, to employ such clerical assistance as is necessary, to sit during any recess of the House, and at such places as it may deem advisable. Any subcommittee, duly authorized thereto, shall have the powers conferred upon the committee by this resolution.

CONTESTED-ELECTION CASE—UPDIKE *v.* LUDLOW

Mr. BEEDY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House Resolution 270

Resolved, That the Committee on Elections No. 1 shall have until January 20, 1931, in which to file a report on the contested-election case of Updike *v.* Ludlow, notwithstanding the provisions of clause 47 of Rule XI.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PHILIPPINE INDEPENDENCE

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Philippine question.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Speaker, On May 6 and June 12, 1930, I addressed the House advocating the immediate and complete independence of the Philippine Islands. In my remarks to-day I wish to briefly refer to the geography, history, and people of these islands, and discuss their racial origin, physical and mental characteristics, religion, literacy, and school system, reserving for subsequent addresses a more detailed and comprehensive treatment of the subject. Many Americans lack accurate information in reference to the inhabitants of the Philippine Islands.

And what is more regrettable, some who vigorously oppose our withdrawal from these islands have deliberately and widely circulated gross misrepresentations concerning the Filipinos, thereby seeking to discredit the natives and create in the minds of our people a belief that the Filipinos are but slightly removed from savagery and wholly incapable of self-government. By creating this wrongful impression they hope to delay indefinitely and ultimately defeat the proposal to grant complete independence to the Philippines. It, therefore, is important for us to understand the inhabitants of these islands, learn their accomplishments and limitations, so we may be able to determine the merit and justice of their demand for self-government.

THE PHILIPPINES

These islands are approximately 12,000 nautical or 13,000 statute miles from New York City and about 7,000 miles from San Francisco. They lie within the Tropics, in Asiatic waters, and are on the opposite side of the world from the United States. Discovered by Maghallanes, or Magellan, in 1521, in the first voyage that circumnavigated the globe, the first permanent Spanish settlement was at Cebu in 1565, under the leadership of Miguel Lopez de Legazpi, followed in 1571 by a settlement at Manila by Salcedo, a grandson of Legazpi. With but slight interruption, Spanish authority over these islands continued until the fortunes of war, in 1898, placed them under the sovereignty of the United States.

The Philippine Archipelago consists of 7,083 separate and distinct islands, 2,441 named and 4,642 unnamed. They nestle in an ocean region 682 miles east and west by 1,152 miles north and south. They have an area of 115,000 square miles, the major portion of which is suitable for cultivation, much of it exceedingly fertile. The Philippines have a coast line of 11,444 statute miles, which exceeds that of the United States, with 21 fine harbors and 8 landlocked straits.

NATIVE AND FOREIGN POPULATION

According to the 1918 census, these islands then had a population of 10,314,310, but which is now probably in excess of 12,000,000. According to the Forbes-Wood report, in 1919 the foreign population was as follows:

Chinese	55,212
Japanese	12,636
Americans	6,931
British	1,202
Spaniards	4,271
Other nationals (Swiss, German, French, etc.)	2,893
Total foreign population	83,145

It will be observed that less than 1 per cent of the total population was foreign. Of the foreign population, 67,848 were Asiatic—Chinese and Japanese—and only 15,297 were American and European. These statistics show the overwhelming preponderance of Asiatics in the population of these sea-girt isles.

COMPARED WITH NEAR-BY NATIONS

In this connection I desire to call your attention to the following significant facts:

The Japanese Empire—excluding Korea and Formosa—has an area of 149,000 square miles, or only 25,000 square miles larger than of the Philippines. Only 17 per cent of the land in Japan is cultivable. The Philippines, with 115,000 square miles of territory, have about 100,000 square miles of cultivable lands and a population of 12,000,000, while Japan, with approximately 25,000 square miles of cultivable land, has a population of about 60,000,000. Three-fifths of the arable lands in Japan are owned by peasants, the farms not averaging over one or two acres. Acre for acre, the productivity of the Philippines is much greater than that of Japan, while the population of the Philippines is only one-fifth that of Japan. It follows, therefore, that the natural resources of the Philippines are incomparably greater than those of Japan.

I have not overlooked the fact that Japan controls Korea, Formosa, Pescadores, and Japanese Sakhalin, which increases the area of Japan and her dependencies to 260,000 square miles and her population to 84,000,000. The potential natural resources of the Philippines are greater than the present or potential resources of the Japanese Empire. Man for man, the Filipino has back of him much more natural wealth than the Jap. In producing foodstuffs for the sustenance of the people, the Philippines have nothing to worry them, while the production of an adequate food supply will always be a live question in Japan. Moreover, the Philippines are richer in natural resources than their other neighbors.

DENSITY OF POPULATION

Dutch East Indies, with an area of 700,000 square miles, has a population of 51,000,000. Java, the principal island of this group, is the most densely populated land mass in the world, 689 to the square mile. The per capita resources of the Philippines are much greater than those of Dutch East Indies.

The six coastal provinces of China nearest to the Philippines, Kwantung, Fukien, Kiangsu, Anwei, Chekiang, and Shantung, have an aggregate area of 360,000 square miles, with a population of 170,000,000. The population of the Philippines is only 100 to the square mile, while Japan (exclusive of her dependencies) has a population of 400, the five coastal Provinces of China 472, and Java 689 to the square mile. Or, to state the matter in another way, every square mile in Japan must support 400 people; every square mile in these five Chinese Provinces must support 472 people; every square mile in Java must support 689 people; while every square mile in the Philippines has only to support 100 people.

I mention these statistics to illustrate the advantage the Philippines have over their near-by neighbors. Undeniably in natural resources, the Philippines have been more favored by Providence than China, Japan, Java, and other oriental nations. In the struggle for existence the Filipino has an advantage over the Javan, Jap, and Chinaman, because the Philippine population is not nearly so dense, their soil is more fertile, and in many other ways the natural riches of the Philippines exceed those of the neighboring races.

POPULATION LARGELY MALAYAN

The original inhabitants of the Philippines were probably Negritos, a small black people of doubtful ethnology, of whom only about 30,000 remain. Some scholars think the Negritos were pushed back into the mountains by the first Indonesian invasion. The Indonesians were probably the ancestors of the Igorots and possibly the Ifugaos. With the exception of the little band of Negritos, and possibly one or two smaller tribes, the Filipino people belong, racially, to the Malay family, being closely related to the racial groups that inhabit the Straits Settlements, Java, Borneo, the Federated Malay States, and Celebes, and other islands lying off the southeast coast of Asia.

SUBMALAYAN GROUPS

The Malayan group in the Philippines, which embrace practically the entire population, are classified as follows:

(1) Mountain people (which classification sometimes incorrectly includes Igorots and Ifugaos).

(2) Moros (Mohammedans).

(3) Christian Filipinos.

(a) Cacique (or moneyed class), largely mestizos, or mixed (Spanish and Chinese) blood.

(b) Tao (or peasant class).

ORIGIN OF MALAYAN STOCK

The Malayan, or brown race, of which the Filipino is an offshoot, is one of the five great families of humanity, according to the classification made by Jean Frederic Blumenbach in 1775, and comprises the dominant and non-Nigritic inhabitants of the

coastal regions of the Malay Peninsula and Oceania, or the East Indian Archipelago, extending from the Malay Peninsula to Timor, and from Timor north to Luzon, which, of course, includes Sumatra, Java, Celebes, the Philippines, and numerous smaller islands.

The extent and status of the Malay race is a matter of dispute, many ethnologists considering it an offshoot of the Mongolian, or yellow race. It is customary to distinguish the Malay from the linguistically allied Polynesians, and also from the Indonesians, who may be a cross between the two, although the Polynesians by some authorities are thought to be the product of an early Asiatic union of Malayan and Caucasian blood strains.

Among religious groups and in scientific circles it is generally believed that the cradle of the human race was in central Asia. From this region the ancestors of the Malay race probably migrated before the beginning of human history, overflowing south China, Siam, the Malay Peninsula, and the East Indian Archipelago. Some one has said that the Filipino is a first cousin to the inhabitants of Java and Sumatra and a second cousin to the Siamese and Cambodians.

MALAYAN INVASION OF THE PHILIPPINES

We can only speculate when the Malay race first reached the Philippines. They doubtless came in successive waves just as western Europe was inundated by great tidal waves of nomadic peoples in different periods of history, and just as the British Isles were overrun by waves of Angles, Saxons, Danes, Normans, and other restless races from the European mainland. The Malays probably reached the Philippines from adjacent islands, which served as stepping stones over which the swarming adventurous brown men passed to the Philippines. It is believed that the last invasion was by the Mohammedan Moros who now people the great island of Mindanao, the Zulu Archipelago and islands in adjacent seas. While distinctively Malayan, the Moros are believed to have a strain of Arab blood.

EARLY VISITS BY THE CHINESE

References may be found in Chinese and Arabic chronicles of settlements that existed as early as the fourth century on some of the islands constituting the Philippine group, since which time there have been frequent infusions of Hindu, Chinese, and Japanese blood. There are authentic references in Chineses history to trading expeditions to the Philippine Islands as early as the tenth and thirteenth centuries.

THE JAVANESE, MALAYAN, OR MAJAPAHIT EMPIRE

Java was at one time the center of Malay power. In 1292, in a struggle for power in Java, Raden Widjaya sought and obtained the aid of Kubla Khan, Emperor of China, who sent a fleet and large army, with the assistance of which Widjaya established himself as King of Java, after which, feeling himself sufficiently powerful to reign without the aid of his Chinese allies, he expelled the Chinese. From his contact with the Chinese Widjaya learned the use of fire arms, which enabled him and his successors to subjugate surrounding islands and establish the Malayan Empire of Madjapahit.

In the fourteenth century, during the 50-year reign of Hayam Wuruk, this empire attained its greatest proportions, controlling Java, Sumatra, the Malay Archipelago, Borneo, Celebes, and Philippines, while the rulers of kindred races inhabiting continental Asia paid tribute to this Javanese empire.

THE TAGALA OR TAGALOG GROUP OF MALAYAN RACE

The inhabitants of the Philippines belong to the Tagala or Tagalog group of the Tagala branch of the Malay subfamily of the Malayan-Polynesian linguistic stock. I use the term Tagala, not as applied exclusively to the Tagal race of central Luzon, but as embracing all Tagala groups of the Malay family, including the Tagalog, Batan, Bicol, Ibanag, Ilocano, Panpango, Pangasian, Tino, Visayan, Moro, Sula, Manobo, Montes, and other subgroups whose language or dialect, though radically different, are nevertheless off-shoots of the great Tagala branch of the Malayan tongue. The Tagala linguistic group, in addition to the Philippine families, includes the inhabitants of Formosa, Madagascar, Cambodia, Malay Peninsula, and Mergui Archipelago.

PRE-SPANISH CULTURE IN THE PHILIPPINES

The Tagala or Tagalog is one of the best developed of the Malayan-Polynesian agglutinative languages. Numerous tribes in the Philippines had a native culture and alphabet before the coming of the Spaniards.

Our distinguished colleague, Commissioner CAMILO OSIAS, in a volume entitled, "Our Education and Dynamic Filipinism," in discussing the pre-Spanish culture of the Philippines, said:

> It is now known that long before Magellan reached Philippine waters our ancestors had alphabets. They were writing upon leaves, using sticks, or upon bamboo, using knives.

There are many Sanskrit words in the Philippine language, and the forms of their letters in use at the time of the discovery of the islands by the Spaniards, indicate a Sanskrit origin. The Hindu influence probably reached the Philippines via Java, the Malay Peninsula, and near-by islands.

Spanish history attests the fact that literacy was widespread in the Philippines before the advent of the Spaniards, who in the Philippines, as in Mexico and Peru, destroyed all existing records, writings, and works of art, on the theory that they were the product of a pagan civilization, fallaciously reasoning "that whatever was not Christian must be anti-Christian." Some authorities assert that the civilization and culture of the Filipinos prior to the coming of the Spaniards were superior to that of the Incas of Peru or the Aztecs of Mexico, which were ruthlessly destroyed by the Spanish conquistadores, Francisco Pizarro and Hernando Cortez.

PHILIPPINE LANGUAGES AND DIALECTS

According to H. Otley Beyer, professor of anthropology in the University of the Philippines, the inhabitants of these islands are divided into 43 ethnographic groups, speaking 87 dialects. His definition of an "ethnographic group" is "any group of people living in a more or less contiguous geographic area, who have sufficiently unique economic and social life, language, or physical type to mark them off clearly and distinctly from any other similar group in the Philippine Islands."

Some writers recognize only eight main languages among the Philippine people, the most widely spoken of which are the Visayan, Tagalog, and Ilocano. Numerous dialects spoken largely by the less advanced tribes are believed to be mere departures from the primitive tongue, and in no way tend to disprove the homogeneity or racial unity of the Philippine people.

Dean C. Worcester, in his volume, The Philippine Islands, in discussing the consanguinity of the different tribes in the Philippines, said:

> Some differences will be found between the inhabitants of different islands, or even of different parts of the same island, yet I think the civilized natives show sufficient homogeniety to be treated as a class.

IS THERE A FILIPINO RACE?

I know the claim is advanced that there is no Filipino race. I can not at this time discuss this proposition further from an ethnological or anthropological viewpoint. I will say in passing that Doctor OSIAS, in chapter 10 of the volume to which I have referred, has made a valuable contribution on the subject of the essential homogeneity and national solidarity of the Philippine population. In this and subsequent addresses I shall for convenience and brevity refer to the inhabitants as Filipinos, using that term in a generic sense to include the entire native population, irrespective of tribal alignments, unless I indicate at the time a more limited application.

SPANISH AND CHINESE MESTIZOS

Some writers who speak contemptuously of the capacity of the Filipinos for self-government and who oppose our withdrawal from the Philippines never tire of calling attention to the fact that there is a considerable mestizo population in these islands. In many countries of the Orient the cross between European and natives is known as "Eurasians." In the Philippines the products of these unions are called "mestizos." The two principal groups of mestizos are Spanish and Chinese. Originally mestizo was a term applied to the offspring of a Spanish or Chinese father and a native mother. This blending of blood lines has, in a majority of instances, improved the stock. Many wealthy families, educators, business and professional men, and government officials belong to the mestizo class. A large proportion of the mestizo population sprung from intermarriages decades or generations ago, and the Philippine mestizos are 100 per cent Filipinized, patriotic, and devoted to the interests and welfare of the native islands.

Inasmuch as Spain controlled the Philippines for over three centuries, it is not strange that there should be a mingling of Spanish and native stocks, but the 200,000 Spanish and other European mestizos constitute only 2 per cent of the total population. The Chinese, the outstanding merchants of the Orient, began trading in the Philippines centuries ago, intermarrying with the natives, and in many localities controlling the domestic and foreign trade. Though frequently expelled, the ban against them was always sooner or later lifted, as the Filipinos needed the Chinese as much as the Chinese needed the Filipino trade. Of the total population, only 500,000, or 5 per cent, are classified as Chinese mestizos. Of the foreign population, only one-half of 1 per cent are Chinese, although they constitute the largest single bloc of alien population.

RELIGIOUS BELIEFS

In the 1918 Philippine census the Christian population was estimated at 9,463,731; Mohammedans, 394,964; pagan, 437,622; other religions, 54,413.

CHRISTIANITY THE DOMINANT RELIGION

On the visit of Magellan, a few of the natives, including the King of Cebu, members of the royal family, and influential chiefs were converted to the Christian faith, and after permanent Spanish settlements were established at Cebu in 1565 and at Manila in 1571, Christianity spread rapidly throughout the islands, displacing paganism, and to a great extent Mohammedianism, as the dominant religion.

It is a significant fact, and one too frequently overlooked, that the Filipinos are more universally Christian than any other so-called backward or subject race. Largely of Malayan blood, they have developed the spiritual side of their natures to a remarkable degree, and in religion, ethics, morals, culture, and right living they have outstripped and left all other Malayan groups far behind. Of this numerous and far-flung ethnological stock, the Filipinos have demonstrated the greatest genius and capacity for efficient self-government. They are highly imitative and readily accept and skillfully utilize that which is best in western civilization. They are forward looking and progressive, eager for education, ambitious to move forward and take a worth-while place among self-governing states, and make their contribution to the culture, progress, civilization, and betterment of the world.

INFLUENCE WROUGHT BY CHRISTIANITY

The benign influence of the Christian religion wrought a marvelous transformation in the inhabitants of the Philippines, and gave them a culture and civilization far superior to that of other Malayan groups. With the exception of conquests made by Islam, which were generally by the sword, there is no instance in history where a race as numerically strong as the Filipinos was so quickly and so completely converted to a new faith. The average Filipino is a better and a much more progressive citizen than the average man in other Malayan tribes. It is only reasonable to attribute this superiority to the influence of the Christian religion.

Davis R. Williams, who spent many years in the Philippines and who vigorously opposes Philippine independence, in speaking of the beneficent influence of Christianity in these islands, said:

> While in actual practice they hardly measure up to orthodox specifications, there is little question but that the humanizing influence of the new (Christian) belief represents the greatest contribution made by Spain to the islands. Through its teachings Filipino women were largely emancipated from their former chattel state, and now occupy a far better position than do their sisters in other oriental countries. They are to-day equal partners in the household, and in most cases are better executives and more closely in touch with practical realities than are the men.

MOST IMPORTANT OUTPOST OF CHRISTIANITY

The Philippines are the seat of Christian influence and culture in the Orient. Other religions dominate Asia, Africa, and Oceania. Eleven million Filipino Christians are holding aloft the banner of the Galilean in a wilderness of pagan and non-Christian religions. Let us call the roll of the benighted myriad millions by whom the Filipino Christians are surrounded: 375,000,000 stolid, ancestor-worshipping Confucians, Taoists, and Shintoists; 209 000,000 polygamist Mohammedans; 150,000,000 zealotical Buddhists, with their doctrines of Nirvana, transmigration of souls, and beatific enfranchisement; 135,000,000 superstitious Animists, who ascribe conscious life to all natural objects, or to nature in general without assuming the existence of separable souls, with a multitude of superstitions, of which fetishism is typical; 150,000,000 fanatical devotees of Hinduism, which in essence is Animism modified and improved by philosophy, as matter is tempered and transformed by metaphysics, but nevertheless fundamentally ignoble and degrading.

In the center of this picture of polyglottish, polygamous, and heathenish abominations and unsatisfying religions nestle the Christian Philippines. Surrounded on every hand by more than a billion Confucianists, Taoists, Shintoists, Mohammedans, Buddhists, Animists, and Hindus, 11,000,000 Christian Filipinos constitute the advance guard of Christianity in the far-flung, benighted regions hitherto dedicated to the worship of false and impotent gods. The little brown-skinned Filipino Christian is holding the outposts and battle line in the all-important struggle of Christianity for world-wide supremacy. The Philippines are probably the most important strategic position now held by Christianity in its triumphant and ever-onward march for mastery over the minds and consciences of mankind.

CHRISTIANITY ON TRIAL

And the United States as a Christian Nation should do nothing that will discredit the religion which we profess. If Jesus of Nazareth were walking the ways of men, he would gently but firmly admonish us to keep faith with the Philippine people. If the moral and ethical philosophy Christ gave to a bewildered and self-centered world means anything, we have no right to longer hold these islands as dependencies or further thwart the aspirations of their people for self-determination. The influence of the church and of all organized forces of righteousness should be marshaled in favor of the immediate or very early independence of the Philippines. Our professions of faith in the religion of the Son of Man mean little to the world unless our creed is coined into actions that reflect the spirit and philosophy of the Christian system.

THE FILIPINO PUBLIC-SCHOOL SYSTEM

The Filipinos are rapidly becoming an educated and progressive people. They are temperamentally fitted for participation in public affairs. According to the report of the Governor General, in 1921, the percentage of illiteracy in the Philippines was 63 per cent. At the present time it is probably as low as 40 per cent. This compares favorably with many nations that enjoy self-government. China is from 60 to 70 per cent illiterate; Mexico, 62 per cent; Portugal, 68 per cent; Siam, 90 per cent; Spain, 46 per cent; Uruguay, 39 per cent; Nicaragua, 72 per cent; Costa Rica, 53 per cent; Cuba, 39 per cent; Greece, 57 per cent; Chile, 50 per cent; Brazil, 75 per cent; Venezuela, 72 per cent; Bolivia, 84 per cent; and Argentina, 38 per cent. As compared with other Malayan races, the Philippines make an excellent showing, the percentage of illiteracy being, Siam, 90 per cent; Dutch East Indies, 94 per cent; Federated Malay States, 56 per cent; unfederated Malay States, 68 per cent; Straits Settlements, 63 per cent; the Philippines, 40 per cent.

An excellent public-school system has been established in the Philippines. In 1927 they had 7,348 public schools with over a million pupils, 25,206 native teachers, and only 294 American teachers. These public schools are supplemented by 655 private schools with 86,685 students and 2,823 teachers. The expenditures for public schools jumped from $2,000,000 in 1903 to $14,000,000 in 1927. That year there were over 8,000 students in the State-supported University of the Philippines.

UNIVERSITY OF SANTA TOMAS

In 1927 there were over 800 students in the Dominican University of Santa Tomas, which was established in 1611, 25 years before Harvard was founded, 82 years before William and Mary College, 90 years before Yale, 155 years before Princeton, 3 years after the founding of Jamestown, 9 years before the Pilgrims landed at Plymouth, and 46 years after the founding of St. Augustine, the first permanent European settlement in what is now continental United States. Among the other State-supported educational institutions in the Philippines are the normal schools, school of arts and trade, and many provincial trade schools.

LEARNING TO SPEAK OUR LANGUAGE

The Filipino child has a keen, attentive, and retentive mind, and in a very few years only a small portion of the population will be classified as illiterates. Under their flourishing and efficient school system the great mass of the native population will rapidly develop into progressive and educated citizens. According to the 1918 census, 879,811 of the natives could read Spanish, over 4,000,000 could read or understand the English language, and at least half of the entire population could read and write either English, Spanish, or one of the native dialects.

PHYSICAL, MENTAL, AND SPIRITUAL CHARACTERISTICS

Now, a word in reference to the physical and mental characteristics, habits, and disposition of the Philippine people. Francis Burton Harrison, who was for seven years Governor General of the Philippines, in his book entitled "The Corner Stone of Philippine Independence," describes them as follows:

> They are of medium stature, with brown complexion and straight black hair and virtually no beard or mustache; their eyes are black or dark brown, set rather slanting under an intelligent brow; their muscular development is excellent, with broad shoulders, slender waists, and small hands and feet. They are brave, active, graceful, and inured to a hardy outdoor life, and still devoted to the chase and fond of living on or near the water. An indication that the race, before entering the Tropics, was originally much lighter in color may be found in the fact that the new-born infants are generally paler of complexion than their parents.

A prolific but exceedingly unfriendly writer, Dean C. Worcester, in the volume from which I quoted a few minutes ago, said, in 1898:

The civilized Filipino certainly has many good qualities to offset his bad traits. The traveler can not fail to be impressed by his open-handed and cheerful hospitality. He will go to any amount of trouble, and often to no little expense, in order to accommodate some perfect stranger, who has not the slightest claim on him; and he never turns one of his own race from his door.

If cleanliness be next to Godliness, he certainly has much to recommend him. Every village has its bath, if there is any chance for one, and men, women, and children patronize it liberally. Should the situation of a town be unfortunate in this particular, its people will carry water from a great distance if necessary, and in any event will keep clean.

Hardly less noticeable than the almost universal hospitality are the well-regulated homes and the happy family life which one soon finds to be the rule. Children are orderly, respectful, and obedient to their parents. Wives are allowed an amount of liberty hardly equaled in any other eastern country, and they seldom abuse it. More often than not they are the financiers of their families, and I have frequently been referred, by the head of a house, to "mi mujer" when I wished to make a bargain. Women have their share of the work to do, but it is a just share, and they perform it without question and without grumbling.

The religious life of the Filipinos is thus described by Mr. Worcester:

At vespers in the evening there is always a pretty scene. An instant hush comes over the busy village. In each house father, mother, and children fall on their knees before the image or picture of some saint and repeat their prayers. The devotions over, each child kisses the hand of his father and his mother, at the same time wishing them good evening. He then makes an obeisance to each of his brothers and sisters, as well as to each guest who happens to be present, repeating his pleasant salutation with each funny bow. Host and hostess also greet one in the same way, and in remote places, where white men are a rarity the little tots often kneel to kiss one's hand.

Friends, their religion may not be your religion or my religion, but how beautifully they exemplify the faith they profess, and how tender and profound is the love they bear to the members of their own family. This devotion and these amenities, exceedingly rare in this busy and turbulent age, are worthy of imitation. Other characteristics of the Filipino are enumerated by Mr. Worcester, as follows:

The civilized native is self-respecting and self-restrained to a remarkable degree. He is patient under misfortune, and forbearing under provocation. While it is stretching the truth to say that he never reveals anger, he certainly succeeds much better in controlling himself than does the average European. When he does give way to passion, however, he is as likely as not to become for the moment a maniac, and to do some one a fatal injury.

He is a kind father and a dutiful son. His aged relatives are never left in want, but are brought to his home, and are welcome to share the best it affords to the end of their days.

Among his fellows, he is genial and sociable. He loves to sing, dance, and make merry. He is a born musician, and considering the sort of instruments at his disposal, and especially the limited advantages which he has for perfecting himself in their use, his performances on them are often very remarkable.

He is naturally fearless, and admires nothing so much as bravery in others. Under good officers he makes an excellent soldier, and he is ready to fight to the death for his honor or his home.

Writing in 1898 when we were first taking possession of the Philippines, Mr. Worcester considered the Filipinos unfit for self-government, because at the time there was a universal lack of education throughout the islands. Continuing, he said:

Not having the gift of prophecy, I can not say how far or how fast they might advance, under more favorable circumstances than those which have thus far surrounded them. They are naturally law-abiding and peace-loving, and would, I believe, appreciate and profit by just treatment. Whatever may be the immediate outcome, it is safe to say that having learned something of his power, the civilized native will now be likely to take a hand in shaping his own future. I trust that opportunities which he has never enjoyed may be given to him. If not, may he win them himself.

Foreman, a critic of the Filipino, described him as refractory toward mental improvement. Dean Worcester, writing in 1898 and before his vision was impaired by his big business activities and environment, criticized Foreman's statement and said:

It is difficult to see on what ground a general statement of this sort can be based, for, as a rule, he has no opportunity to improve his mind. The great mass of the people have been deliberately kept in ignorance from the time of the Spanish discovery until now. Some of them are doubtless very stupid. On the whole I believe that they are naturally fairly intelligent, and they are often most anxious for an opportunity to get some education. On a number of occasions we secured good servants who asked for nothing but food and an opportunity to pick up a little English or Spanish.

Speaking of the mountain or uncivilized tribes, Worcester, as far back as 1898, said:

There is a not unnatural tendency to make them out worse than they really are, while the casual reader does not, perhaps, realize that many of them are numerically insignificant peoples, quite content to practice their peculiarly objectionable customs on their immediate neighbors, without molesting the inhabitants of the civilized districts.

The opponents of Philippine independence in discussing the qualifications of the natives for self-government pick out the comparatively few uncivilized and undeveloped tribes and try to make us believe that these backward groups are typical of the entire population. This practice is on a par with the European who, in describing the American people, draws a picture of the Comanche Indian or ignorant negro cotton picker on an Alabama plantation and leaves the impression that they are typical of the average citizen of the United States. The inhabitants of the Philippines must not be judged by their lowest types but by the general average or level of citizenship. In every nation there are great groups of people who, standing alone, are undeniably incapable of self-government, but they count for little as an inconsequential part of the many millions of educated, progressive, and forward-looking men and women who constitute the backbone of a self-governing nation.

I have already shown that the percentage of men and women in the Philippines who can read and write and who belong to the educated groups is larger than in the Latin-American Republics, China, Siam, and many other independent states. And the Filipino people are becoming educated more rapidly than any other so-called backward or subject race.

What I have said has a bearing on the question as to capacity of the Filipinos for self-government. Undeniably the inhabitants of the Philippines have already established a stable government. They are managing their domestic affairs in an efficient and statesmanlike manner, and manifestly it is the duty of the United States to withdraw its sovereignty from the Philippines without further delay.

ORDER OF BUSINESS—SUSPENSIONS

Mr. SNELL. Mr. Speaker, yesterday I obtained unanimous consent to make suspensions in order beginning on Friday. I ask unanimous consent to change that and make them in order beginning to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that it may be in order to move to suspend the rules beginning to-morrow for the remainder of the session. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I rise to ask the gentleman from New York [Mr. SNELL] and the gentleman from Connecticut [Mr. TILSON] a question. I understand that at this caucus last night wherein this agreement with respect to veterans' relief was entered into——

Mr. GARNER. Mr. Speaker, I object to the request of the gentleman from New York.

Mr. SNELL. Mr. Speaker, I announce that there will be a meeting of the Committee on Rules at 2 o'clock to-day. We can take care of the matter in another way.

Mr. GARNER. The gentleman may do that, and he will have to do it.

LEAVE TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. SNELL. I object.

TRANSPORTATION OF ADULTERATED FOODS—CONFERENCE REPORT

Mr. HAUGEN. Mr. Speaker I present a conference report upon the bill H. R. 730, to amend section 8 of the act entitled "An act for preventing the manufacture, sale, and transportation of adulterated and misbranded or poisonous or deleterious foods, drugs," and so forth, for printing under the rule.

COMMISSIONED LINE OFFICERS OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill (H. R. 1190) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 1190) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

Mr. COLLINS. Mr. Speaker, I make the point of order that the alleged report was not authorized by the Committee on Naval Affairs, acting together as a committee. Section 401 of the House Rules and Manual covers the parliamentary law on the subject.

The SPEAKER. The gentleman from Mississippi makes the point of order that the report does not comply with section 401 of the House Rules and Manual.

Mr. COLLINS. The committee was not called together for the purpose of considering this bill and the making of a report.

The SPEAKER. Of course, the Chair has no knowledge of the facts.

Mr. BRITTEN. The Committee on Naval Affairs has notified practically every member of the Committee on Naval Affairs that it would recommend a new report on this bill—H. R. 1190. That has been done in compliance with the instructions, or at least upon the advice of the parliamentarian.

Mr. COLLINS. That does not comply with the former rulings of the Chair.

The SPEAKER. The question with the Chair is whether the committee at one of its regular meetings authorized the report on the bill H. R. 1190.

Mr. BRITTEN. Yes; it did.

Mr. COLLINS. I am informed that that is not the case. I am so informed by a member of the committee.

Mr. McCLINTIC of Oklahoma. The committee never met to consider this report.

Mr. BRITTEN. Mr. Speaker, whether this bill is discussed to-day or not is not important, as far as being absolutely fair with the House is concerned. I understood from the Speaker's question that he asked, "Did the chairman of the committee say that his committee was present when this bill was reported?" As to that question I said it was. The gentleman from Oklahoma is referring in his statement to the supplemental report, and not to the bill.

The SPEAKER. Even though the committee was regularly and properly called, or met on one of the regular meeting days, the question would then arise as to whether the committee, a quorum being present, by a majority vote authorized the report on the bill. That is the question.

Mr. BRITTEN. There is no question about that. The committee did authorize—I think, unanimously—the report on the bill.

Mr. VINSON of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VINSON of Georgia. The bill was reported in December last year. It was called up on the calendar last Wednesday. It was held to be out of order for the reason that it did not comply with the Ramseyer rule. The chairman of the committee made a new report, but it was not necessary for the bill to go back to the committee. All that was needed for the chairman to do was to write a new report complying with the Ramseyer rule.

Mr. COLLINS. The bill was referred back to the committee, and the committee should act in the making of a report.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, in order that the facts may be known, the chairman of the committee has not brought this bill to the attention of the members of the committee with a quorum present for the purpose of authorizing a new report.

The SPEAKER. In the opinion of the Chair, the bill having been recommitted to the committee, the same formalities are required on a new report as on the first report; and if the formalities are not complied with in this case, the rule has not been complied with. Of course, the Chair has no knowledge as to what happened.

Mr. VINSON of Georgia. The bill itself was reported and acted upon last December. The report filed with the bill did not comply with the Ramseyer rule. I hold that all that is necessary is for the report to comply with the Ramseyer rule.

The SPEAKER. The new report must be authorized by the committee in the same manner as the original report. The bill was recommitted, and the committee must conform to the same formality as in the case of the first report.

Mr. BRITTEN. I admit that no formal action was taken on the recommitted bill. The bill itself did not go to the committee, but the report did.

The SPEAKER. Under those circumstances, the bill is again recommitted to the committee.

Mr. DENISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENISON. In cases of this kind, after the House found that the report of the committee is not in the proper form, for instance, in that it does not comply with the Ramseyer rule, is it the ruling of the Speaker or the custom established to refer the bill to the committee, as well as the report, or can the report itself be rereported?

The SPEAKER. The bill itself must be rereported in order that when the committee authorizes the second report it shall be final.

GRATUITY TO DEPENDENT RELATIVES IN THE NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill H. R. 7639.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relatives of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928.

The SPEAKER. The Clerk will read the bill. It is on the House Calendar.

The Clerk read as follows:

Be it enacted, etc., That the provision contained in the act approved June 4, 1920 (41 Stat. L. 824; U. S. C., title 34, sec. 943), as amended by the act approved May 22, 1928 (45 Stat. L. 710; U. S. C., Supp. III, title 34, sec. 943), is hereby amended to read as follows:

"SEC. 943. Allowance on death of officer or enlisted man or nurse, to widow, child, or dependent relative: Immediately upon official notification of the death from wounds or disease not the result of his or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper defendent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the pay of the Navy and pay of the Marine Corps, respectively: *Provided*, That if there be no widow, child, or previously designated dependent relative, the Secretary of the Navy shall cause the amount herein provided to be paid to any grandparent, parent, sister, or brother shown to have been actually dependent upon such officer, enlisted man, or nurse prior to his or her death: *Provided*, That the determination of the fact of dependency in all cases of dependent relatives, of personnel of the Navy or Marine Corps, whether previously designated or not, by the Secretary of the Navy, shall be final and conclusive upon the accounting officers of the Government: *Provided*, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than those of the regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or probationary appointments in the regular Navy or Marine Corps: *Provided*, That the provisions of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly."

With the following committee amendment:

Page 2, line 6, strike out the word "nurse" and insert in lieu thereof the word "nurse" and a comma.

The SPEAKER pro tempore (Mr. RAMSEYER). The question is on agreeing to the committee amendment.

Mr. LAGUARDIA. Mr. Speaker, is there going to be no discussion on the bill?

The SPEAKER pro tempore. The committee amendment is before the House. The question is on the committee amendment. This is a House bill. The gentleman from Illinois [Mr. BRITTEN] is in charge of one hour, if he chooses to use it, during which he can move the previous question at any time.

Mr. LAGUARDIA. Then I rise in opposition to the committee amendment.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. BRITTEN. How much time does the gentleman from New York desire?

Mr. LAGUARDIA. Mr. Speaker, I do not understand I am at the mercy of the committee to discuss the amendment.

The SPEAKER pro tempore. The chairman of the committee has one hour on this amendment. The Chair recognizes the gentleman from Illinois [Mr. BRITTEN] on the amendment. If the gentleman from Illinois chooses to yield time, that is within his power.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. Even though the bill is before the House and it is a House bill, the opposition to the bill is entitled to time in its own right.

The SPEAKER pro tempore. The situation is that the gentleman from Illinois is in control of the time. That is clear. The gentleman can move the previous question at any time. If the previous question is voted down, then, of course, somebody else would be recognized.

Mr. LAGUARDIA. Is that applicable also in the discussion of amendments?

The SPEAKER pro tempore. That is correct.

Mr. LAGUARDIA. Then I ask the gentleman from Illinois to yield me five minutes.

Mr. BRITTEN. I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I want to call the attention of the House to this bill, which on its face seems innocent and perhaps unimportant except to the Navy Department. But, Members of the House, you are either going to stand by yourselves and stand by an agency created by Congress, or else you might as well abolish the General Accounting Office. There seems to be a great deal of misunderstanding and misapprehension as to the duties and functions of the General Accounting Office. That office is the creation of Congress. The Comptroller is responsible only to Congress. He acts as our agent, and not as the agent of any executive department or even the President of the United States. In order to carry out the independence of that office, it was intentionally written into the law that the Comptroller General could not be reappointed, so as to make his conduct free from any pressure whatsoever. If it is proposed to take from him the powers vested in him by passing legislation such as this, then you will repudiate your own action and you are not standing back of your own agent, and we might as well abolish the General Accounting Office.

This bill is of great importance in deliberate efforts made by departments to break down our entire auditing system. The mere fact that we established an independent accounting office has resulted in great economies and savings to the people of the United States. Before that office was established there were comptrollers for various departments, and, although they were the auditing officers for the departments, they were under the control of the heads of the respective departments. It was therefore impossible to get a right and proper construction of law passed by Congress. Congress abolished that antiquated, unbusinesslike system, and established this independent office, which acts as the audit agency of Congress and for no other purpose.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. O'CONNELL. In other words, the gentleman is rightfully contending that there is no necessity for this legislation at all?

Mr. LAGUARDIA. It will take away the power already given to the comptroller.

Mr. O'CONNELL. I know it will; and it is functioning perfectly now.

Mr. LAGUARDIA. Yes; I think it is functioning well, and the gentleman must see that after all there must be a review some place. You can not have an executive reviewing his own acts.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. VINSON of Georgia. I will say to the gentleman the reason for this legislation and the reason why the Navy Department and the Committee on Naval Affairs look with favor on it is this: Whenever an enlisted man designates some one as his beneficiary and that enlisted man dies the Navy Department, following the general law, gives to the person designated as his dependent six months' gratuity. Then six months later, when the comptroller is beginning to check up the paymaster's records, he reaches a different conclusion and says that, as a matter of fact, the person so designated is not a dependent, and, therefore, the comptroller's office denies the account. It is for that reason this legislation is before the committee. It enables the Secretary of the Navy to reach a conclusion as to who is the dependent and that is reached in accordance with the law as it stands to-day, and that is final and conclusive.

We are forced to come in here every year and pass special bills to relieve paymasters because paymasters have made payments in accordance with the designation made by the Navy Department but the Comptroller General has held that those designations are incorrect.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BRITTEN. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. LAGUARDIA. I will say to the gentleman from Georgia that it makes no difference what the case is. Of course, the mere fact that this happens to be for the payment of a benefit to the family or relatives of a deceased sailor makes it possible to inject sob stuff into the debate. There is no doubt about that. But it makes no difference whether the payment is for such humane purposes or in payment of a $40,000,000 battleship. We have created an accounting officer, in whom we have vested the power of review. It is his duty to say whether the payments are made in accordance with law. We should not break it down, no matter what the circumstances may be.

Mr. VINSON of Georgia. I agree with the gentleman that it is the duty of Congress to maintain the accounting office.

Mr. LAGUARDIA. Then let it function.

Mr. VINSON of Georgia. But we have already sought to confer discretionary power upon various departments in reaching a conclusion in reference to contracts. For instance, heretofore it was the law that whenever the Secretary of the Navy made a contract for the purchase of airplanes it was reviewed by the comptroller's office, and he could set it aside, but we no longer give that discretionary power to the comptroller's office. We are now seeking in certain matters, where the judgment of the Navy Department should be final, to absolutely make it final and not subject to review by the comptroller's office, because under that system you do not know where you stand.

Mr. LAGUARDIA. I say that it is contrary to our whole theory of government to give absolute powers without review to any department. No department ought to be absolute and have such autocratic powers. Under our form of government money can be expended only in accordance with law, and it is the duty of the General Accounting Office, under our system of audit, to see that public funds are so expended.

Mr. PATTERSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. PATTERSON. Is it not just as reasonable to set it aside in any other case or in any other department as it is in the case of the Navy Department?

Mr. LAGUARDIA. The gentleman is correct, and under this bill they are proposing to give the Navy Department full power and authority. I have had my say, and this bill ought to be voted down.

Mr. BRITTEN. Mr. Speaker, the law which this legislation aims to amend was passed in the House on May 7, 1928, and the language in the law was inserted through an amendment offered by the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Which language?

Mr. BRITTEN. The language in the existing law, to which I will now call attention. The gentleman is laying great stress upon the importance of taking away from the Comptroller General his power to determine a dependency in the case of death in line of duty. That is his principal argument. His entire argument is that we should not take away from the Comptroller General the right to determine dependency in the Navy Department. Let us see what his amendment of May 7, 1928, offered on the floor of the House, actually did. On the question of establishing dependency the gentleman's language is this:

> And the determination of such fact by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

That is the gentleman's amendment.

Mr. LAGUARDIA. The gentleman is in error.

Mr. BRITTEN. Well, it appears on page 8006 of the RECORD. Let me reread the language to the gentleman, because he is laying so much stress upon taking away certain authority from the Comptroller General. The gentleman's language is this:

> And the determination of such fact by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

Mr. COLLINS. Will the gentleman yield to me?

Mr. BRITTEN. Yes.

Mr. COLLINS. In other words, you think the gentleman from New York was wrong at that time but right to-day?

Mr. BRITTEN. He was wrong at that time, and I am going to correct him by an amendment in the bill. However, the language which the gentleman inserted was not quite strong enough, was not quite effective enough, and it did not give the Navy Department the right to determine dependency when some poor fellow died in line of duty.

Mr. VINSON of Georgia. Was the gentleman's amendment offered to a private bill?

Mr. BRITTEN. I do not remember.

Mr. VINSON of Georgia. I think it was offered to a private bill, and for that reason we have brought in this general legislation to deal with that case.

Mr. LAGUARDIA. There was a particular reason for that.

Mr. BRITTEN. I will say it was general legislation at that time, just as it is to-day. This bill aims to do one very simple thing, and yet it might be most important at a particular time. It gives the Secretary of the Navy the right to give to some poor family six months' pay of some poor fellow who has died in line of duty. It is not worth quibbling about. We aimed to do this very thing in 1928, and the gentleman's amendment was the thing which apparently accomplished it, but it has not worked out.

Mr. STAFFORD. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. STAFFORD. Wherein does the construction given by the Comptroller General as to dependency differ from the construction that might be given by the Secretary of the Navy?

Mr. BRITTEN. Well, in a number of cases where some poor fellow has been killed in line of duty it has been very hard to determine just who his dependent is. The Navy Department might say that his dependent is a sister or a daughter or a wife from whom he may have been estranged or divorced. The comptroller might hold that this wife, under the circumstances, was not entitled to the money. The department might be very desirous of making this payment to the widow, which would be very unimportant to the Treasury, but very important to the poor widow at the time.

Mr. STAFFORD. So it is only a question of the arbiter who is to determine dependency?

Mr. BRITTEN. That is all.

Mr. VINSON of Georgia. And oftentimes the paymaster makes the awards on the recommendation of the Secretary of the Navy, and then his accounts are checked up by the comptroller and he has to reimburse the Treasury.

Mr. BRITTEN. True, because in many instances——

Mr. STAFFORD. Is that the fact, that payment will be made before a final determination as to dependency?

Mr. VINSON of Georgia. Yes; by the Navy Department. The Navy Department makes the determination and the paymaster makes the payment, and when the comptroller's office checks up the paymaster's accounts he will conclude he had no right to reach the decision that so-and-so was a dependent, and calls upon the paymaster for reimbursement to the Government.

Mr. STAFFORD. Even if it is an erroneous determination the Secretary of the Navy would visa it regardless of the opinion of the Comptroller General as to dependency in order to save the accounts of the paymaster.

Mr. VINSON of Georgia. No; the paymaster would have to pay it.

Mr. SPEAKS. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SPEAKS. As a matter of fact, the purpose of this bill is in direct opposition to the principle involved when we established the comptroller's office.

Mr. BRITTEN. Oh, no.

Mr. SPEAKS. Yes; absolutely.

Mr. BRITTEN. Not at all.

Mr. SPEAKS. There must be a final authority in determining matters of this nature and after long years of expensive and unsatisfactory experience resulting from departmental heads exercising this right, the office of comptroller was created with full power to decide questions in dispute. This system should be respected and preserved.

Mr. BRITTEN. If the principle of this bill is opposed to the desire we had in establishing the office of the Comptroller General, then the one of 1928, which is existing law, is equally so.

Mr. SPEAKS. Carrying this idea to its logical conclusion, why not make exemptions in the case of the heads of all departments and do away with the comptroller entirely?

Mr. BRITTEN. I will tell the gentleman why.

Mr. SPEAKS. Why? That is what we want to know.

Mr. BRITTEN. In some cases we may find a chief petty officer has been married and becomes estranged from his family and he puts somebody else on his dependency list, or he aims to take his wife, from whom he is perhaps not divorced but estranged, off of his dependency list, by simply declaring she is not a dependent any longer. If he is then killed in line of duty, the Navy Department might hold that the wife was still entitled to this six months' gratuity pay. He may have a child by this wife, but the comptroller may say, "No; this sailorman, or whatever he was, had determined he had no dependents." Now, in cases of that kind, some of which are very, very sad, the Navy Department desires, in substance, the very legislation that the gentleman from New York himself inserted in the act two years ago, that the finding of the Secretary of the Navy shall be final. There have been arguments between the Secretary of the Navy and the Comptroller General about this question and the Navy Department desires this perfecting language. It is not serious, gentlemen, and there is not a large amount of money involved.

Mr. PATTERSON. May I ask my good friend from Illinois a question?

Mr. BRITTEN. Yes.

Mr. PATTERSON. The gentleman says this is not serious, but if we should apply the same principle to all the departments, then we would have no use for the Comptroller General.

Mr. BRITTEN. There is no other comparable case. You can not apply the same thing to civilian employees, because the conditions are entirely different. Here we are discussing legislation affecting men who are killed or who die in line of duty.

Mr. PATTERSON. Anyone who dies while in the service of the Navy dies in line of duty.

Mr. BRITTEN. Yes.

Mr. GREENWOOD. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. GREENWOOD. Does this bill merely cover a gratuity, after death, of one-half year's wages, or does it also cover the subsistence charge?

Mr. BRITTEN. No; it merely covers the gratuity. It is a provision which was inserted in the old act, and we are simply making this change in existing law.

Mr. GREENWOOD. There is a law, as the gentleman knows, for paying subsistence to dependents under certain circumstances.

Mr. BRITTEN. Yes; under certain circumstances.

Mr. SPEAKS. Will the gentleman yield at that point?

Mr. BRITTEN. I would like first to read the proviso. We take out of the bill the language I have read which makes the finding of the Secretary conclusive, and we substitute this language:

Provided, That the determination of the fact of dependency in all cases of dependent relatives, of personnel of the Navy or Marine Corps, whether previously designated or not, by the Secretary of the Navy, shall be final and conclusive upon the accounting officers of the Government.

We add a few words to existing law.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. BRITTEN. Yes.

Mr. ABERNETHY. Sometime ago I had the case of a young boy who was on one of the Navy ships and was blown up. I introduced a bill for a claim and the Committee on Claims turned it down on account of the recommendation of the Secretary of the Navy that there should be allowed only six months' gratuity pay for this young man's dependents. I finally had to go to the Committee on Pensions and finally secured a pension of $12 a month for the boy's mother. This boy was burned or scalded to death, and yet our great Navy Department absolutely recommended against any claim, and the Claims Committee would not recommend it. What does the gentleman think of that situation?

Mr. BRITTEN. Well, that is in accordance with existing law.

Mr. ABERNETHY. I am talking to the great chairman of a great committee, and a nice fellow withal, and I want to ask him is he thinks that is a proper law.

Mr. BRITTEN. I thank the gentleman; but that matter is entirely up to Congress. If Congress desires to enact a law giving a larger gratuity it may do so.

Mr. ABERNETHY. I am talking of the situation where our boys lose their lives through no fault of their own, and yet their dependents are shut off by the Claims Committee. You can not get a claim allowed before the Claims Committee; they send it to the department for report and the department recommends against it. Yet if the people of the deceased were allowed to go into a court they could recover thousands of dollars; yet here is a case I had where the boy was absolutely scalded to death and all his people could get was a measly six months' gratuity, and his mother a pension of $12 per month.

Mr. BRITTEN. I agree with the gentleman; but that is existing law.

Mr. ABERNETHY. Why does not the gentleman change it?

Mr. BRITTEN. Why does not the gentleman from North Carolina change it?

Mr. ABERNETHY. If I were chairman of the committee, I would attempt it.

Mr. BRITTEN. There are very many sad cases, I know.

Mr. ABERNETHY. Then, the gentleman ought to get at these very sad cases.

Mr. LAGUARDIA. Mr. Speaker, I know the gentleman from Illinois wants to be fair; and, even in these days of the foul, he does not want to hit too low. [Laughter.] I find on page 8006 of the RECORD it was a Consent Calendar day. The bill before the House was improperly drawn in that it referred to lines and did not recite the whole bill. What I said was this:

Mr. Speaker, reserving the right to object, I have no objection to the bill, but it is improperly drawn. It is inartistic to amend the law by referring to certain lines in the original bill. That is the proper way to amend the bill on the floor of the House, but not to amend existing law. I have prepared an amendment which recites the entire paragraph as it would read when amended.

All I did was to recite the entire paragraph. My feeling and attitude toward the General Accounting Office is not changed.

Mr. BRITTEN. However, the gentleman will agree with me that as far as the RECORD is concerned, on page 8006, the gentleman's proposed amendment includes the language I have taken out of the bill. It includes the entire bill.

Mr. LAGUARDIA. It includes the entire bill. All I did was to redraft the bill in proper form.

Mr. BRITTEN. Submitting it as an amendment.

Mr. LAGUARDIA. The gentleman does not charge me with putting in the clause?

Mr. BRITTEN. I can charge the gentleman with having put in the entire bill.

Mr. STAFFORD. The gentleman from New York, as I understand, refers to a private bill where he charges it was improperly drawn. I wish to direct the attention of the chairman of the committee to the present bill and ask whether this is properly drawn, particularly in the proviso the gentleman has just read. I would like the attention of all the grammarians of the committee. I direct the gentleman's attention to the query whether the clause in line 8, page 3, "by the Secretary of the Navy" is properly placed. That relates to "whether previously designated by the Secretary of the Navy." I have a notation here that the proper place for that clause should be after the word "dependency" in line 6 rather than in line 8, where it qualifies "whether previously designated or not."

Mr. BRITTEN. I will say that the gentleman's contention might be all right in Milwaukee, but he will notice that there is a comma after the word "not."

Mr. STAFFORD. I appreciate the high compliment paid to "the gentleman from Milwaukee," as we speak good English in Milwaukee. [Laughter.]

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The committee amendment was agreed to.

The previous question was ordered.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed.

A motion by Mr. BRITTEN to reconsider the vote whereby the bill was passed was laid on the table.

CALL OF THE HOUSE

Mr. TABER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not.

Mr. SLOAN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Aldrich	Doyle	Ketcham	Spearing
Bankhead	Englebright	Kiefner	Sproul, Ill.
Beck	Finley	Kunz	Sproul, Kans.
Blanton	Frear	Langley	Stalker
Bohn	Free	McCormick, Ill.	Steagall
Brigham	Fuller	McReynolds	Stedman
Brumm	Gambrill	Michaelson	Stobbs
Buchanan	Golder	Murphy	Sullivan, N. Y.
Buckbee	Graham	Nelson, Wis.	Taylor, Colo.
Burtness	Hoffman	Oliver, N. Y.	Underhill
Byrns	Hudspeth	Peavey	Walker
Collier	Hull, William E.	Porter	Welsh, Pa.
Cooke	Igoe	Pratt, Ruth	White
Cooper, Wis.	James	Romjue	Williams
Crail	Johnson, Ill.	Seger	Wingo
Crowther	Johnston, Mo.	Selvig	Zihlman
Curry	Kading	Simms	
Douglas, Ariz.	Kemp	Sinclair	

The SPEAKER pro tempore. Three hundred and fifty-seven Members have answered to their names, a quorum.

Mr. BRITTEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

RETIREMENT OF ACTING ASSISTANT SURGEONS, UNITED STATES NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years.

The SPEAKER pro tempore. The gentleman from Illinois calls up the bill S. 1721, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1721, and the gentleman from Illinois [Mr. CHINDBLOM] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1721, with Mr. CHINDBLOM in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That acting assistant surgeons of the United States Navy who, on the date of the passage of this act, have reached the age of 64 years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay.

With the following committee amendment:

Line 7, after the word "pay," insert "*Provided*, That section 21, title 34, of the United States Code, authorizing the appointment of acting assistant surgeons, is hereby repealed."

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Illinois is recognized for one hour.

Mr. BRITTEN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, ladies and gentlemen of the committee, this is a bill directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years. Under an act passed on May 4, 1898, the position of assistant surgeon was created. It is the desire of the Navy Department to repeal that law and to do away with assistant surgeons. The Navy Department wants to draw these men from the Medical Corps of the Navy, and thereby not only have their own men but at the same time save the Government a very considerable sum of money. There happen to be two men who have been serving the Government for a good many years as assistant acting surgeons, and the Navy Department realizes, after these men have served for many years, that to keep them there at the ages of 64 and 66 would be a hardship, and at the same time in a few years they could not give the service desired. The Navy Department does not want to drop these men. If it drops them, it drops two men who have served diligently for many years, and it will drop them without pay, with their medical practice all gone. These men entered the service and have been attending to their duty not only during the years of peace but they passed through the war and performed arduous service at that time. One of them is a personal friend of mine, whom I have known for a great many years, Dr. William Guy Townsend. Doctor Townsend has the recruiting station within about a block of where my office is in the city of Baltimore. Therefore I have had many occasions to see the work that he is doing. I have sent many boys there to have them examined to see whether they could enter the Naval Academy, and I have found him there not on part time but all of the time. He is giving his entire time to the work and has not been able to attend to any practice of his own. I think his position in that matter is very much like that of a lawyer who goes into Congress. For the first few years he endeavors to keep up a little of his practice, but eventually he finds that the work of Congress takes up so much of his time that he either gives up his practice or his practice gives him up. So it is with Doctor Townsend. Doctor Townsend went on with his work, and after awhile the war came on, and he found so much of his time taken up that his medical practice absolutely left him because he had no time to attend to it.

The Navy Department says this bill is humanitarian. It does not want to drop these two elderly men, and there is no law by which it can retire them. It is the purpose of this bill to give the Navy Department the right to retire these two men on three-quarters pay.

Mr. DICKSTEIN. Is this a special act for retirement? What is the age of retirement at the present time?

Mr. LINTHICUM. There is no age for retirement for these men. The regular retirement age is 64. One of these men was 64 last September; the other is much older.

Mr. DICKSTEIN. Why could they not be retired under the present law?

Mr. LINTHICUM. There is no provision for retirement of acting assistant surgeons. There are only two men who are

affected by this bill at the present time. The others have died off. If we pass this bill, then Doctor Payne, who is now nearly 67 years of age, will receive $2,700 a year, and Doctor Townsend, who is now nearly 65 years of age, will receive $2,250 a year, making a total of $4,950. I have not calculated, but taking off one of them, Doctor Michels, it would save the Government somewhere around $7,000 a year and the Government would be better off by that much. The Government would then be able to take young men from the service and let them do this work, whereas now they must depend on these elderly men to do the work. Then, besides getting the young men to do the work, they would also save the Government about $7,000 a year. It seems to me this is a meritorious bill, and it certainly is humanitarian. I see no reason why there should be any objection to it, and whether there is or not, I do not know.

I want to say to you gentlemen, in conclusion, this is a matter that has been under my personal observation for the last 18 years. I know that these men have done good work. I know that they have given up their medical practice to devote their attention to this work, and in the case of Doctor Townsend, he has given up all his time, not only in the examination of men in the Navy, but he has been at the disposal of Members of Congress to examine young men to see whether they can enter the Naval Academy. Often, you know, when you have designated a young man for appointment to the Naval Academy and after you have appointed him, he goes up for examination, and when he takes the physical examination in many cases he falls down. Doctor Townsend has done this physical examination of these young men to see if they are eligible for admission to the Naval Academy.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MEAD. How long have these two doctors been in the service of the country?

Mr. LINTHICUM. Doctor Townsend has been in the service 18 years next September, and Doctor Payne 31 years next November.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. TABER. Are we not getting into the practice of too great liberality in regard to the retired list of the Army and Navy?

Mr. LINTHICUM. Here are two men who have done valiant service and have reached the age when they should be retired. The law further repeals the act creating such office so that there will never be any more acting surgeons in the Navy. This covers the ones in the Navy at this time and goes no further.

Mr. TABER. But is it not true that during the time these men served there was no law permitting retirement, and are we now attempting to do something that they never had the right to expect?

Mr. LINTHICUM. I remember the time when there was not any retirement except in the Army and Navy. At that time no one in civil employment was retired. Now, they all have it and they did not expect it when they entered any more than these men.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BRITTEN. Is it not true that all men in the Army and Navy and Marine Corps can retire at the age of 64?

Mr. LINTHICUM. Yes; that is a fact.

Mr. BRITTEN. And we are simply trying to do for these two men what has been done to all others?

Mr. TABER. Mr. Chairman, I challenge that statement. If these men had served for a long time, the case would be different. But these men have served but a little time, and their employment was in the nature of private surgeons under contract instead of on a regular salary. I understood the gentleman from Maryland [Mr. LINTHICUM] said one had served 20 years and the other 15 years.

Mr. HALE. No. Doctor Payne was appointed in 1898. That is 32 years ago.

Mr. LINTHICUM. Mr. Chairman, I just want to say in conclusion, to summarize this matter, that this act repeals the act of May, 1898, and these are the two men in that service. They served for many years during the war and during peace time. After they are retired then that is the end of it, as this law of 1898 will be repealed under this bill, and there will be no more acting surgeons in the Navy. While there has been no retirement for these people, there are many people in the Government service now who are provided with retirement, and they did not have it and many of them did not expect to have it when they entered the service. I trust this bill will pass and these doctors receive their retirement. [Applause.]

Mr. STAFFORD. Mr. Chairman, I rise in opposition to this bill.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. KNUTSON], and ask unanimous consent that he may be permitted to proceed for five minutes, out of order.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Minnesota [Mr. KNUTSON] may be permitted to proceed for five minutes, out of order. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Chairman and members of the committee, in commenting on the rivers and harbors bill, which was under consideration in the House yesterday, the Washington Times says in part:

WARNS ON "PORK BARREL"

While the bill was considered in the House President Hoover consulted leaders and warned them against bringing out a "pork-barrel" measure. He also served notice he would use his executive powers to limit rivers and harbors expenditures.

House rivers and harbors leaders were confident the President would approve the bill as it passed the House, even though they exceeded suggestions.

It was rumored to-day the upper Mississippi River 9-foot channel proposal may be used to checkmate a movement launched by northwestern Members of the House to prevent adjournment until the Couzens resolution, temporarily prohibiting railroad mergers, is passed.

The 9-foot-channel authorization, it was pointed out, might be given to the northwestern Members in return for an abandonment of their fight for the Couzens resolution.

Let me read this telegram, just received:

MINNEAPOLIS, MINN., *June 24, 1930.*

Hon. HAROLD KNUTSON,

Member of Congress from Minnesota, Washington, D. C.:

Minnesota legislative board, Brotherhood of Railroad Trainmen, sincerely urges you to continue support Couzens resolution as passed by Senate. Your assistance is greatly appreciated.

G. T. LINDSTEN.

In fairness to my colleagues from the Northwest, Mr. Chairman, I wish to say that at no time has there been any connection between the proponents of the Couzens resolution and the proponents of the river and harbor bill.

I may say that there is a very strong feeling in the Northwest against railroad mergers, and particularly the merger of the Great Northern and Northern Pacific Railroad. I find that there is a feeling among many of the northwestern Members that we should not adjourn until we have had some action by the House on the Couzens resolution. [Applause.] The proposed consolidation of the Great Northern and Northern Pacific Railroads is a very serious problem with us. I understand that similar situations exist in other parts of the country. The Couzens resolution, as originally introduced by the senior Senator from Michigan, simply sought to suspend the power of the Interstate Commerce Commission to grant approval to railroad consolidations until March 4 next year. Surely the House should be willing to enact legislation of that character so that the Members may have an opportunity to study the entire question of consolidations between now and March 4 next. [Applause.]

While I am not speaking for anyone else, I may say that I shall vote against the adjournment of Congress until we have had an opportunity to vote on the Couzens resolution. [Applause.]

Mr. HASTINGS. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. HASTINGS. Has the gentleman had an opportunity to study the Couzens resolution as amended by the House Committee and as reported by the House Committee on Interstate and Foreign Commerce?

Mr. KNUTSON. I am for the original Couzens resolution.

Mr. HASTINGS. And not for the substitute?

Mr. KNUTSON. I prefer the original, for it has better chance of passage.

Mr. MEAD. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. MEAD. Is it not a fact that while the pending merger seriously affects the Northwest section of the country other mergers which will be entered into in the near future will affect other sections of the country as adversely as the Great Northern-Northern Pacific merger affects the gentleman's section?

Mr. KNUTSON. I have no doubt of that at all.

Mr. MEAD. Therefore, we should all be interested in this question.

Mr. KNUTSON. I have in mind several communities which will be absolutely wiped out if the merger is consummated.

It will render property investments valueless. It will throw hundreds and thousands of men out of work at the very time when we should endeavor to increase the demand for labor.

Mr. HASTINGS. What assurance has the gentleman that Congress will have an opportunity to consider this matter before the adjournment of Congress?

Mr. KNUTSON. I have no assurance at all, except I think if the Democrats will join with the Republican proponents of the Couzens resolution we can stay here for a considerable period of time.

Mr. HASTINGS. How will the gentleman get it up unless the leaders agree to it?

Mr. KNUTSON. How will Congress adjourn if there are not sufficient votes to adjourn?

Mr. HASTINGS. I am with the gentleman. I will help in every way I can to get consideration of the Couzens resolution.

Mr. KNUTSON. I want to say to the gentleman from Oklahoma that I can stand heat as well as the next one.

Mr. HASTINGS. Why does the gentleman not take it up with his floor leader and ascertain if consideration of the resolution can be had?

Mr. CHALMERS. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. CHALMERS. I may say that I think it is not in the public interest to permit these consolidations, in addition to the fact that it is a detriment to the railroad employees. It is a very serious matter to throw out of employment men in mid life who have learned a trade or profession, men who are buying their homes and educating their children. I do not think this consolidation is in the public interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. Mr. Chairman, I yield five additional minutes to the gentleman, and I ask unanimous consent that he may proceed out of order for the five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CULLEN. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. CULLEN. The gentleman is a very influential Member on the Republican side of the House.

Mr. KNUTSON. I thank the gentleman.

Mr. CULLEN. This Couzens resolution is still in the committee. Why does the gentleman not exercise his influence with the powers that be, on the other side, to have that bill brought before the House for consideration by this Congress?

Mr. KNUTSON. I shall be glad to do so, and, in fact, I have already exerted my influence in that direction, and I am doing so now. I am sincerely in favor of the Couzens resolution, and I am doing everything I possibly can to bring it before the House so that the House may vote on it.

Mr. CULLEN. I quite agree with the gentleman, as I have always found him friendly to labor.

Mr. KNUTSON. I appreciate the gentleman's statement.

Mr. CULLEN. But this is a very important measure. I consider it one of the most important pieces of legislation before the Congress to-day. I will infer this much, that the gentleman, as one of the leaders, should continue to cooperate with other leaders to bring the matter before the House so that we may vote on it before adjournment.

Mr. KNUTSON. The gentleman has seen horses pull in different directions before. This is not a new situation by any means. I have asked members of the Committee on Interstate and Foreign Commerce to bring out the Couzens resolution, and the membership will bear me out in that statement. It is a matter of conviction with me that we should stop these huge, enormous consolidations, whether they be in the transportation, financial, or other fields. [Applause.]

Mr. CULLEN. The gentleman will find me with him in that regard, and I will go further. The Committee of the Judiciary has reported the Wagner unemployment bills, which would help to remedy the situation of unemployment. I am going to ask the floor leader of the House why we can not have the Couzens resolution and the unemployment bills brought out for consideration before adjournment.

Mr. KNUTSON. I can not yield to the gentleman for the purpose of asking the floor leader a question, as I have only about two minutes left.

Mr. HASTINGS. We are trying to assist the gentleman in getting information.

Mr. BRIGGS. Ask the gentleman from Connecticut whether he has any information regarding those bills.

Mr. KNUTSON. I am not going to be diverted from what I started to say, because if we allow ourselves——

Mr. CULLEN. In conjunction with the Couzens resolution, is the gentleman ready to support the Wagner unemployment bills?

Mr. KNUTSON. I am ready to support any legislation that will help the unemployment situation in this country. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. SABATH. I agree with the gentleman that he is sincerely and honestly for the Couzens resolution and that he would also support the Wagner bills, but I recognize the fact that the gentleman's side of the House would not cooperate with him in having these bills considered, so what good will it do to vote against adjournment when the country is looking forward to that adjournment, because conditions are getting worse from day to day.

Mr. KNUTSON. I can not yield for a speech. I thought the gentleman wanted to ask a question.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. Mr. Chairman, for a few minutes I wish to direct the attention of the committee to the private claims bill before the committee for consideration. It is for the relief of two acting assistant surgeons in the United States Navy. The bill is put in the form of a public bill so that it may be considered on Calendar Wednesday.

The gentleman from Maryland has made a very plaintive appeal in behalf of a neighbor of his for retirement pay, a man by the name of Dr. William Guy Townsend. The gentleman from Maryland claims he should be retired after having performed 18 years of service. He entered the Navy in 1912, and has been performing very minor duties in connection with the Navy. We find he was appointed acting assistant surgeon in 1912; transferred to the reserve force during the war, and reappointed as acting assistant surgeon after the war, and has been on recruiting duty continuously.

The chairman of the Committee on Naval Affairs stated that it is the policy of the War Department to retire men occupying similar positions. I challenge that statement.

Mr. BRITTEN. If the gentleman will pardon me, I know he desires to be correct. I said that for years officers in the Army, Navy, and Marine Corps have been retired at the age of 64 years. I said nothing about corresponding rank at all.

Mr. STAFFORD. I misunderstood the gentleman, and therefore apologize, because I find that companion officers in the Army are not retired. We find in the letter of the Acting Secretary of the Navy recommending against this bill, the following:

> In its effect the proposed legislation is individual in character. It would appear that acting assistant surgeons are carried on the naval rolls in a status somewhat similar to contract surgeons of the Army, for whom no retirement privileges are accorded by law. An acting assistant surgeon contracts for shore duty only.

Now, get this, gentlemen. He contracts for shore duty only—

> And he is usually assigned to duty in the city of his residence, where he may follow a gainful pursuit outside his naval duties. He remains in that locality indefinitely, and is thereby exempt from the hazards and hardships peculiar to military service, which furnish the grounds for enacting pension and retirement legislation.

In the face of that statement, for a man who has not been in the service 19 years, the great Committee on Naval Affairs brings in a relief bill to retire him at a salary of $2,250. He has been privileged all these years to practice his profession, and because he has not the decency to retire when he becomes too old he appeals to his Representative to introduce a private claims bill to retire him.

The gentleman from Maryland made an attempt to make a comparison by referring to Members of Congress who have been attorneys, who enter Congress and then have to give up their profession, but was it ever known—and I am qualified to speak—in the annals of Congress of a Member of Congress on being retired—it is usually against his will—for Congress to compensate him, as is purposed in this case, with an honorarium of $2,250 a year? It is nice for the gentleman from Maryland to attempt to stick his hands into the pockets of the Treasury and pull out $2,250 for this doctor, who has only been performing civilian duty, and nothing else. That is the question before the House—whether we should compensate a man who has never been obliged to perform war duty, but only shore duty in connection with enlistments and the like, and give him a gratuity of $2,250 a year. It is soft, it is easy, it is velvet.

Mr. CLAGUE. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. CLAGUE. I notice on page 2 of the report it is stated that one of these men, Mr. Henry, has only been in the service since 1911.

Mr. STAFFORD. The friend of the gentleman from Maryland, Doctor Townsend, has only been in the service since 1912.

Mr. CLAGUE. Both of these men have been in the service less than 18 years.

Mr. STAFFORD. Yes; it is simply giving away favors of the Government without any justification at all. It is giving these men a nice retirement pay.

I do not wish to say anything further. It is a bill that will haunt us if we pass it, and it is merely throwing money away.

Mr. PATTERSON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PATTERSON. If we continue enacting legislation like this and keep going a little further and further along, where are we going to end?

Mr. STAFFORD. Why, there will be a political revolution in the country. If we are going to keep on paying everybody who wants a little honorarium from the hands of the Government, it will inevitably lead to general protest.

I reserve the balance of my time, Mr. Chairman.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. CLARK].

Mr. CLARK of Maryland. Mr. Chairman and members of the committee, this bill presents a situation which probably has not been presented to the House before in connection with any bill.

In 1898, there was enacted a bill providing, I think, for the appointment of 25 assistant surgeons of the Navy. These men had a specific duty to perform. In Baltimore the work required the entire time of the assistant surgeon of the Navy attached to that place.

At the present time there are only two of these assistant surgeons serving the Government, one in Baltimore and the other in Boston. The others have died or long since gone out of service and are otherwise employed.

The Government wants to discontinue this office. These two men are in the service in this capacity, and they are both old men. They are not applying for this legislation. They are willing to go on in the service, but the Government wants to discontinue the office, and if discontinued it will cost the Government, under this retirement legislation, $4,950 a year. At the present time this service is costing the Government, I believe, about $12,000.

Mr. LINTHICUM. About $11,000 a year.

Mr. CLARK of Maryland. If you want to vote down this bill it simply means one of two things. The Government will have to force these men out of their positions at their age and say, "Go on and make your living any way you please; you are dismissed, and we have no further use for your services"; or the Government can retire them, as it has retired other officers of the Army, Navy, and Marine Corps.

Mr. TABER. Will the gentleman yield?

Mr. CLARK of Maryland. Yes.

Mr. TABER. If these men are taken out of the service, they will have to have other physicians to take their places and do this work?

Mr. CLARK of Maryland. No; the work is to be done by others in the service, but not as assistant surgeons.

Mr. TABER. Not as assistant surgeons, but as surgeons.

Mr. CLARK of Maryland. Well, they are already in the service of the Government, and the Government is paying them now.

Mr. TABER. That will mean giving them an excuse for asking for more surgeons.

Mr. CLARK of Maryland. It will not mean any additional cost.

Mr. TABER. Oh, yes; absolutely.

Mr. CLARK of Maryland. I understand not.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. CLARK of Maryland. Yes.

Mr. SLOAN. How old are these surgeons?

Mr. CLARK of Maryland. One of them is 65 and the other is 67. One has been in the service for 18 years and the other for 30 years.

Mr. SLOAN. One further question: When did the gentleman get the notion that a man 65 or 67 is old? I think that is young.

Mr. CLARK of Maryland. The limit for retirement fixed by law is 64, as I understand it. Some of us are young at that age and some of us are very old.

But this is the peculiarity of this situation: Here are two men in this particular service, and the Government wants to discontinue the office; and the Government has to do one of two things—put them out at this age without anything to live on, because they have given all their time to this service and have no private practice, or give them the benefit of retirement.

The case stands on its own facts. There has not been any other case just like it, perhaps, ever presented to the Congress. This legislation will not cost the Government anything. If this meant a charge on the Government of seven or eight or ten or fifteen thousand dollars, it would be different; but the Government would save money by adopting this legislation.

These two men will continue in the service if the Congress wants them to. So the situation is that if you support this bill, the office is discontinued, the work they are doing will be done by those already in the service in other capacities, and the Government will save money. If you defeat the bill, the probable effect will be that these two men will continue in their present service probably until they die.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I thought I might have elicited by one or two questions all the necessary information to make conclusive to the committee that this kind of legislation is prejudicial and harmful. I submit that if this bill passes it will establish a dangerous and unjustifiable precedent that will come home to plague Congress in countless instances hereafter. [Applause.]

Here are gentlemen who are civilians in a very large degree, serving the United States Navy it is true, for a compensation that they were glad to get, and I warrant you that if these gentlemen were either to die or resign to-day, if the places were vacant, there would be at least 50 doctors in the city of Baltimore applying for the job. They would apply for it because it is a particularly attractive proposition. They are permitted not only to draw this compensation for their quasi governmental service, but they have the privilege that no ordinary Army or naval surgeon has—to practice medicine on the side. I submit that this is a dangerous suggestion to give men who serve the Government in any of its functions, whether Army, Navy, Marine Corps, State Department, Post Office Department, or anything else—unless his relation to that was fixed whereby the Government had the right to demand and require that he give it his sole and exclusive time and energy—unless that be the case, the proposition to retire men and put them on the pay roll for the rest of their days is dangerous. It establishes a precedent which, as I say, will plague us for all time to come.

Mr. CLAGUE. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. CLAGUE. If you allow this bill to pass would not the same rule apply to all contractual physicians throughout the United States? In the West there are many physicians where part time only is required, the same as these men, with the Indians. They are in exactly the same situation as these men. They carry on a general practice, but receive a certain amount from the Government. They are just as much entitled to retirement as these men.

Mr. McSWAIN. There is no doubt about that, and every Member can think of instances just like it, where they will be coming up and asking a stipend from the Government indefinitely.

Now, gentlemen, I happen to be an inconspicuous member of the Committee on Military Affairs. I do not care what the House does with regard to this bill, but, so far as I am concerned, never with my consent and approval, will that committee bring in any such bill to put a civilian on the pay roll of the Government.

We have got to draw a straight line, and we have got to stand on one side of the line or the other. If we start wiggling and wobbling, merely because it is a pathetic case, one that appeals to our sympathy, because it is our neighbor or friend, there is no telling where we will land. There is danger along that line.

Oh, they say it is nothing, and ask, What is a few thousand dollars to the Government? It is the straw which indicates which way the wind blows. It is the tendency that is manifest here, of taking up favorites and legislating in their behalf.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. The gentleman says the straw indicates which way the wind blows; the gentleman will recall that the other day in a bill coming from another department we prevented an officer being placed on the pay roll. We must be on the alert all of the time to prevent favoritism. The gentlemen will recall the instance where the House voted it out of the bill.

Mr. McSWAIN. I think the instance that the gentleman refers to was the rivers and harbors bill. My objection to that

bill was a matter of jurisdiction of the committee. I did not oppose the provision referred to in that bill on its merits. I said to the chairman of that great committee and to other members of the committee who interviewed me with regard to it that if they would introduce a bill and come before the appropriate committee that has jurisdiction of the Army personnel, they would have a very fair and full consideration of the merits of the bill. Of course, I assume that this Naval Affairs Committee has undoubted jurisdiction of this matter.

Mr. BRITTEN. Of course, there is nothing comparable between the two cases. In the one case to which the gentleman from New York [Mr. LAGUARDIA] refers it was retiring a colonel with the rank of general.

Mr. McSWAIN. It was retiring a brigadier general with the rank of a major general. The principle is the same.

Mr. BRITTEN. It permitted an officer to retire in the next higher grade.

Mr. McSWAIN. That is true.

Mr. BRITTEN. There is nothing comparable between the two cases.

Mr. McSWAIN. I do not see very much in the suggestion, I must say, but the principle involved in the proposition here to take a man merely because he has been working some time for the Government and put him on the pay roll for the rest of his life when no such inducement was made to him—there was no outstanding offer made by the Government by general law that he should have this—is a pure gratuity and unlimited in its nature.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LINTHICUM. The gentleman is mistaken in saying they served only part time. They served all of the time. Then, the Navy Department says:

> Should the bill S. 1721 be enacted the inclusion of the above proviso is considered desirable by the Navy Department, as medical officers for the purpose for which acting assistant surgeons are now employed may be obtained from the Medical Corps branch of the Naval Reserve, and the services of such acting assistant surgeons as are now provided for by section 21, title 34 of the United States Code, can now be dispensed with.

The Navy Department wants it. They want to get rid of these two gentlemen, and they want to use their own Medical Corps.

Mr. McSWAIN. Where does the gentleman get the opinion that the Navy Department wants to eliminate these two part-time surgeons?

Mr. CLARK of Maryland. From the bill itself.

Mr. McSWAIN. But the Navy Department reports against the bill. The Navy Department says in its report that it considers this legislation inadvisable as I read the report.

Mr. STAFFORD. There is no question about that.

Mr. McSWAIN. The last paragraph in the report of the Navy Department reads as follows:

> In view of the above, the Navy Department recommends against the enactment of the bill S. 1721.

Mr. LINTHICUM. That is what it says there, but by reading the whole report, the gentleman will find they want to get rid of these men so as to use men from the Naval Medical Corps, and the gentleman knows, as I know, that the Navy Department and the War Department do not recommend things, but leave the matter to our discretion.

Mr. McSWAIN. If the Navy Department does not mean what it says, when in that last sentence it is supposed to sum up the whole matter and boil it down to one concrete proposition, then, of course, I will have to admit that we will have to set up a legislative court to construe and interpret for us the language of that department when it reports upon proposed legislation.

Mr. CLARK of Maryland. I think since the department made that statement the bill has been amended by the Senate by abolishing the office. The gentleman will notice that the bill concludes with the proviso that section 41 of title 34 of the United States Code, authorizing the employment of acting assistant surgeons, is hereby repealed. I understand it to be the opinion of the department that if Congress will abolish this office, they have no objection to the retirement of these two men rather than to have them arbitrarily dismissed.

Mr. McSWAIN. Also the gentleman knows that if this bill does not pass, and I think it should not pass, these gentlemen will stay on the pay roll. They want to stay on the pay roll. The mere fact that they are 66 and 67 years of age does not mean that they can not render service. One of the justices of the Supreme Court of the United States is 89 years of age, now going on 90, and he is doing his full share of work, and everything that comes from his pen and brain is of the finest quality and character.

Mr. LAGUARDIA. He is the youngest man on the bench.

Mr. McSWAIN. He is young in spirit and energy, and I understand that not a single petition for a writ of error is considered by the court that does not get his individual attention and receive a longhand memorandum from him as to the merits of the petition. The fact that a man is 66 or 67 years of age means nothing particularly. We have many people in my part of the country who are plowing and doing other manual labor and supporting their children and grandchildren at that age. The idea that these gentlemen must be turned out of office and be supported from the public Treasury the rest of their lives is ridiculous and impracticable.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BRITTEN. I yield to the gentleman from Colorado [Mr. EATON].

Mr. EATON of Colorado. Mr. Chairman, after the meeting of the subcommittee of the Public Lands Committee of the House upon June 12, 1930, the chairman of the subcommittee met with Hon. Edward C. Finney, Solicitor of the Department of the Interior; Hon. Ebert K. Burlew, administrative assistant of the Secretary of the Interior; and Hon. Charles A. Obenchain, supervisor of the General Land Office, to discuss H. R. 12802 and the suggestions which had been made at the meeting.

Mr. Obenchain, in his report of May 27, 1930, to Secretary Wilbur, had recommended reconsideration of the decision of the department of February 28, 1930, and that an opportunity be given the oil-shale claimants to present whatever arguments, either orally or by briefs, they desired.

The representatives of the Department of the Interior announced that with the information disclosed by the hearings upon H. R. 12802, and the additional study given the question, it would be unnecessary to require oil-shale claimants to submit any further arguments or briefs, and that the said decision of February 28, 1930, ought to be immediately reconsidered.

The following paragraph was submitted by them for consideration in lieu of the language in H. R. 12802:

> *Provided*, That as to lands valuable for oil shale the default in making the annual expenditure of $100 in labor or improvements, as required by section 28, title 30, United States Code (R. S. 2324), shall not be subject to challenge by the United States after patent application has been filed and publication of notice thereof completed: *Provided*, That the mining laws in all other respects have been complied with.

Thereafter, the following letter was received from Hon. E. K. Burlew, administrative assistant to the Secretary of the Interior, inclosing a new decision of Secretary of the Interior Ray Lyman Wilbur:

> UNITED STATES DEPARTMENT OF THE INTERIOR,
> ADMINISTRATIVE ASSISTANT TO THE SECRETARY,
> *Washington, June 17, 1930.*
>
> Hon. WILLIAM R. EATON,
> *House of Representatives.*
>
> MY DEAR MR. EATON: By direction of the Secretary, I am inclosing herewith copy of a decision which he has signed reversing the instructions of February 28, 1930, affecting the granting of applications for patent in oil-shale claims.
>
> Very truly yours,
>
> E. K. BURLEW,
> *Administrative Assistant.*
>
> Inclosure.
>
> ---
>
> THE SECRETARY OF THE INTERIOR,
> *Washington, June 17, 1930.*
>
> M. 25761.
>
> The COMMISSIONER OF THE GENERAL LAND OFFICE.
>
> MY DEAR MR. COMMISSIONER: In the instructions to you of February 28, 1930, in the case of mineral entry Denver 041649, it was held that default in performance of assessment work on an oil-shale placer, for the period immediately preceding the date application for patent was filed, rendered the claim subject to challenge by the United States, because of such default, at any time prior to the issuance of patent. This conclusion was reached from a consideration of the decision of the Supreme Court of the United States in the case of Wilbur *v.* Krushnic (280 U. S. 506).
>
> This decision was the subject of a conference with the Public Lands Committee of the House recently, and it was subsequently agreed that the decision would be reconsidered by the department.
>
> The court in its decision, supra, stated that a claim initiated under section 2324, Revised Statutes, could be maintained by the performance of annual assessment work of the value of $100; that after failure to do assessment work the owner equally maintained his claim within the meaning of the leasing act by a resumption of work, unless at least

some form of challenge on behalf of the United States to the valid existence of the claim has intervened.

The court clearly indicated that the challenge must be made at a time when the claim was not being maintained. In the case under consideration application for patent was filed April 22, 1929, and publication of notice of the patent proceedings was completed June 26, 1929. Patent expenditures to the value of $500 on each claim are shown to have been made. Final certificate was issued June 28, 1929. No charges were filed against this claim as to default in assessment work until January 21, 1930, when it was alleged that the assessment work for the year ending July 1, 1928, had not been done and that the work had not been since resumed.

The court clearly indicated in its decision that the Government was in the same position as an adverse claimant under section 2325, Revised Statutes, in so far as challenging a default in assessment work is concerned. Said section provides:

"If no adverse claim shall have been filed with the register and the receiver of the proper land office at the expiration of the 60 days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of $5 per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter."

If no third party could challenge such a claim after the period of publication, the Government may not do so, because it stands in no better position under the law and the decision than do third parties mentioned in such section, and therefore can not challenge the claim for default in assessment work after publication has been completed. In other words, where, as in this case, patent proceedings have been instituted and the requisite expenditure has been made, the applicant has shown compliance with the law in maintaining the claim, no challenge can at this late date be made against the claimants because of failure to perform annual labor. Such challenge must be at a time when under the law adverse claimants could assert their rights.

It is clear to my mind that the United States, in order to make a lawful challenge to the validity of an oil-shale claim for failure to do the annual assessment work in any patent proceedings, must do so at a time when there is an actual default and no resumption of work, and prior to the time the patent proceedings, including the publication of notice, have been completed.

In view of these findings, the instructions of February 28, 1930, to you in this case are hereby vacated, and adjudication of these claims will follow the views herein expressed.

Very truly yours,

RAY LYMAN WILBUR.

You will notice that while this new rule covers in part the subject matter of H. R. 12802, it does not go as far as H. R. 3754 or your chairman's suggestion at the hearings upon April 4, 1930, that a bill authorizing the Secretary of the Interior to give patents to those to whom final certificates had been issued would meet the situation, stop a part of the litigation, and stop most of the tremendous expenses.

Thus, instead of the Secretary promulgating a rule as such, the Secretary rendered a new decision stating that the subject matter was considered at a conference with the Public Lands Committee of the House, and now expressly recognizes that upon all applications for patent for oil-shale claims in which the period of publication has been completed, the Government was and is in no better position to challenge claims on account of default in assessment work than any other third parties recognized under section 2324 of the Revised Statutes, and stated:

No challenge can, at this late date, be made against the claimants because of failure to perform annual labor. Such challenge must be at the time when under the law adverse claimants can assert their rights.

This committee will remember that some of its members have questioned the right of the Government to at any time challenge oil-shale claims which were lawfully in existence on the 1st day of February, 1920, on account of any failure to do assessment work.

Please notice that the Secretary's new decision is limited to claims upon which applications for patent are pending, and the period of publication completed.

It is recognized that no relief whatever is given by the decision of June 17, 1930, to any of the other claims upon which the Government is now posting notices by crews of men called from other land offices to work out of the Denver and Salt Lake City land offices.

May I direct your attention, also, to the fact that the conclusion of the Secretary of the Interior is based upon a position that is declared to be unsound by recent witnesses before this committee who contend that the Government can not be interested in assessment work as an adverse claimant; that this position is contrary to the mining act of 1872, as construed for over 50 years by the courts and the Interior Department, and is also expressly contrary to general mining regulations 55 of the Interior Department, and the Krushnic decision.

It is understood that the Utah and Colorado oil-shale claimants, and their attorneys, consider that the emergency caused by this posting of notices has in no wise been met; but on the contrary, the decision clearly shows the intention of the department to continue in its "claim jumping" in disregard of all established law and precedence, under which a number of claimants have expended large sums of money in good faith; and that the decision is a reaffirmation of all that the shale claimants have been protesting against, except as to a very limited number of claims.

The information disclosed at the various meetings and confirmed by the Secretary of the Interior and the Obenchain report, discloses an almost unbelievable congestion in the pending oil-shale patent cases in the land office.

The Obenchain report shows that instead of attending to applications for patent, abstracts covering approximately 3,500 oil-shale claims have been made from the county records, leaving 500 out of the possible 4,000 in Utah to be completed. Apparently no abstracts have been made in Colorado; 1,000 cases require investigation and the total number in Colorado will probably exceed 4,000.

The clerical work involved is left to the imagination, but the question asked why the departmental officials who have made these reports have not been used in investigating and determining some phase of a pending patent case, so as to permit that case to reach a final conclusion, is a question which, when asked, is answered by statements of policies of administration.

It needs no stretch of the imagination to understand what interference has been made in the department's own work in States other than Colorado and Utah when it is noted that mineral examiners have been transferred from the field divisions at Santa Fe, San Francisco, and Portland, and surveyors and transitmen have been drawn from the surveying service, composing 15 parties of men, to participate in the posting campaign and work of examinations. The Obenchain report does not indicate that this work is intended in any manner to expedite the hearing and determining of any pending application for patent.

It is noted that while there are now only seven applications for patent pending in the Salt Lake district, the committee's information is that there must be almost 100 applications for patent still pending and undecided in Colorado, of which the Obenchain report states there are 30 ready for hearing and 39 in which interlocutory motions are undisposed of. The Obenchain report admits that the delays "have not been entirely unavoidable," but states that action has not been delayed by field work on locations in Colorado, for all such cases have been investigated in the field and report submitted. In other words, they are ready for determination.

The text of the report indicates that it will take a number of years to try the cases because the Government has only one regular hearings officer, and a suggestion is made for an additional hearings officer to expedite the work.

It is significant that the Secretary of the Interior finds that there are no charges of fraud pending. If the Secretary's discussion of bona fides of locators indicates a possible charge of fraud, the analysis furnished us shows that in only 22 cases has this question been raised; it is, therefore, proper to assume that the suspicious circumstances have been investigated, and if there had been any chance whatsoever to file a charge of fraud against anyone, it would have been filed long ere this.

It is also proper to remind the committee that if, in fact, fraud has been practiced upon the Government in the obtaining of title to any oil-shale lands, the Government does not, by issuing patent, lose its right to recover the land and cancel the patent in a proper court action.

Mr. Obenchain says:

Outside of the question as to the validity of the locations, I believe that, as far as possible, any doubt as to the other features of the case should be resolved in their favor.

I therefore suggest that a bill be drafted and introduced directing the Secretary of the Interior to forthwith issue patents to every applicant for patents upon oil-shale lands upon which no fraud has been charged, upon whose application for patent the period of publication has been completed, the patent work sufficient or made sufficient, and upon payment to the United States of all moneys due thereon. This will clear up the congestion in the Land Office which has become practically insurmountable. The Secretary having advised this committee that there are no charges of fraud against any of these applications, and the supervisor having recommended that other features of these cases should be resolved in favor of the applicants, it

therefore conclusively follows that all controversies in the pending cases have been caused by the application of a technical construction of the mining law and departmental rules made since the passage of the mining act of February 25, 1920, which may properly be the subject of a remedial statute.

The doing of the patent work and the paying of all costs and expenses incident to patent proceedings indicate the best of faith on the part of the applicants for patent. The purchase money has already been paid to the Government in practically every case.

Such a disposition of the pending oil-shale applications for patent will result in the transfer to private ownership of a very small percentage of the classified oil lands of the United States (6⅔ per cent, including lands already patented), and the congestion of the Land Office being removed and all those cases disposed of, there will then be an opportunity to give new applicants for patent, and other claimants for departmental attention, more prompt consideration in Washington and attention to work in the field.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen of the committee, it seems to me that the conclusion of the argument given by the Acting Secretary of the Navy is conclusive. The proposed legislation is individual in character. It would appear that the beneficiaries are acting assistant surgeons.

Mr. CLARK of Maryland. Mr. Chairman, will the gentleman yield right there?

Mr. SUMMERS of Washington. In a moment. The Acting Secretary of the Navy says:

> In its effect the proposed legislation is individual in character. It would appear that acting assistant surgeons are carried on the naval rolls in a status somewhat similar to contract surgeons of the Army, for whom no retirement privileges are accorded by law. An acting assistant surgeon contracts for shore duty only, and he is usually assigned to duty in the city of his residence, where he may follow a gainful pursuit outside his naval duties. He remains in that locality indefinitely, and is thereby exempt from the hazards and hardships peculiar to military service, which furnish the grounds for enacting pension and retirement legislation. The Navy Department of course, however, recognizes the humanitarian reasons behind the purpose of this proposed legislation.
>
> The bill S. 1721, if enacted, would involve a cost to the Government for each year of $2,700 for Doctor Payne; $2,250 for Doctor Townsend; and, if included, $2,520 for Doctor Michels; a total of $7,470 a year.
>
> In view of the above, the Navy Department recommends against the enactment of the bill S. 1721.

I do not see how anything could be plainer or more conclusive as to the attitude of the Navy than this. These men have not incurred the hazards of war or the inconvenience of being taken away from their practice or their families, or anything of that kind, upon which pensions or gratuities are granted. They remain at home and continue their business. They do not come in the same class as others who are given retirement pay.

Mr. CLARK of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. CLARK of Maryland. Does the gentleman observe the language used by the department here? The duty of these men is somewhat similar to that of contract surgeons in the Army.

Mr. SUMMERS of Washington. Yes.

Mr. CLARK of Maryland. Now, an assistant surgeon of the Navy is never designated as a contract surgeon. These men, remaining in the service, one in Baltimore and one in Boston, have given all their time to this work.

Mr. STAFFORD. They have not given all their time to it.

Mr. CLARK of Maryland. All their time has been required.

Mr. STAFFORD. The report says they have carried on their vocation.

Mr. CLARK of Maryland. There is not anything in this report to indicate that these men are part-time men, or contract surgeons. There was apparently nothing in the law on that question. It appears that the contract surgeons are carried on the roll similar to contract surgeons in the Army——

Mr. STAFFORD. Showing that they are only part-time men.

Mr. SUMMERS of Washington. In the next sentence it is stated:

> An acting assistant surgeon contracts for shore duty only, and he is usually assigned to duty in the city of his residence, where he may follow a gainful pursuit outside his naval duties. He remains in that locality indefinitely and is thereby exempt from the hazards and hardships peculiar to military service.

They are not deprived of their home and they have no hazards, and the Secretary of the Navy sees no reason why they should be placed on retirement.

I think we are going very far afield when we take up cases of this kind and go over the recommendation of the Secretary and place them on the retired list. [Applause.]

The CHAIRMAN. If no further time is desired, the Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That acting assistant surgeons of the United States Navy who, on the date of the passage of this act, have reached the age of 64 years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay.

With a committee amendment as follows:

> "*Provided*, That section 21, title 34, of the United States Code, authorizing the appointment of acting assistant surgeons, is hereby repealed."

Mr. TABER. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise and report the bill back to the House with a recommendation that the enacting words be stricken out. There is five minutes' debate on either side on that motion.

Mr. TABER. Mr. Chairman, I am not going to take five minutes. I am just going to call the attention of the committee to this situation: Here are two men who have been employed on part time, in positions analogous to contract surgeons, for several years by the Navy Department, with no understanding in the law that they were eligible for retirement and no provision of law that they are eligible for retirement.

There has been brought in here a private bill practically providing for the retirement of these men. There is absolutely nothing to show that these men can not continue to perform their duties. It is nonsense to say that they would be carried along in these duties unless there are duties to be performed that would require some one else to do the work if they are taken away. Therefore, it will require a substitute. It will require the assignment of another surgeon or the detail of another man for service in the Navy. Would it not be ridiculous under the circumstances to pass a bill to place them on the retired list of the Navy? I think the proper thing to do is to strike out the enacting clause and put an end to it. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I ask for recognition in opposition to the motion.

Ladies and gentlemen of the committee, the motion of the gentleman from New York is manifestly unfair in this case. One of these men has served the Government for more than 18 years. During the war he was transferred to the reserve force of the United States Navy. The other man has served for 30 years. They have now reached the ages of 65 and 67 years, and are in the service of the Government. They have given up all of their private practice to attend to this work. They have attended to the work diligently. They have performed their duties well, and now comes a time when the Navy Department desires to name men from the Naval Medical Corps to fill these positions. This will save the Government $7,170 per year, and the matter will be entirely within the hands of the Navy Department, and young men of the Naval Medical Corps can be placed in the work now performed by these acting assistant surgeons.

It has been intimated the Navy does not want this bill passed. Members of the various committees know that the departments do not always say they want a bill passed, but they will give sufficient information in the report to show that the bill should be passed.

Mr. TABER. Will the gentleman yield?

Mr. LINTHICUM. I will not yield at this time, as much as I would like to. I may yield later, but my time is limited.

When this bill was sent to the Navy Department they made a report and at the same time they prepared a bill. In that bill they provided for the repeal of this law. Then they said, "Provided that section 21, title 34, of the United States Code, authorizing the appointment of acting assistant surgeons, is hereby repealed," and they say that the retirement of the officers named can be effected by changing the wording in this way. That is what the Navy Department has reported.

Then further they say, "This would be a humanitarian bill." In other words, these men should not be dropped from the service without some provision. We should not put younger men in their places without making some provision for them. Any Member who reads the letter of the Navy Department will understand distinctly that while the Navy can not commit itself

to this bill, yet it says between the lines that they desire the bill passed. They want to do away with acting surgeons and they want to put men in there who are now in the Medical Corps. They can not say this in definite language, but that is shown in every line of this letter from the Navy Department.

Mr. TABER. It is evident——

Mr. LINTHICUM. I do not yield to the gentleman. I must say I think the gentleman is unfair in moving to strike out the enacting clause. The matter should come squarely before the House.

Mr. TABER. My motion brings it squarely before the committee.

Mr. McSWAIN. Will the gentleman yield?

Mr. LINTHICUM. I yield.

Mr. McSWAIN. The question I wish to ask my distinguished friend is why is it the Navy Department, being free, can not say what it means?

Mr. LINTHICUM. That is what I do not know; but I do know that in many cases they report that, while a case appears to be meritorious, they can not recommend it. If you ask for a report on paying six months' pay in the interim between the passage of the law and its repeal, they will say, "We can not recommend it, but it seems meritorious." Here they say, "We can not recommend it, but it seems humanitarian; and, if you pass it, then we will appoint young men from the Naval Medical Corps and will save ourselves $7,000."

The CHAIRMAN. The time of the gentleman from Maryland has expired.

The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LINTHICUM and Mr. WOODRUFF) there were—ayes 62, noes 42.

So the motion was agreed to.

Mr. LaGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LaGUARDIA. The motion of the gentleman from New York was to strike out the enacting clause and the bill goes back to the Committee on Naval Affairs?

The CHAIRMAN. The action of the Committee of the Whole House must be reported to the House. The motion involved the matter of the committee rising.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years, had directed him to report the same back to the House with the recommendation that the enacting words be stricken out.

Mr. TABER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the recommendation of the Committee of the Whole House on the state of the Union that the enacting words be stricken out.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 83, noes 45.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 223, nays 89, not voting 116, as follows:

[Roll No. 75]

YEAS—223

Ackerman	Canfield	Doughton	Green
Adkins	Cannon	Dowell	Greenwood
Allen	Carter, Calif.	Doxey	Gregory
Allgood	Cartwright	Driver	Griffin
Almon	Chindblom	Dunbar	Guyer
Andresen	Christgau	Eaton, Colo.	Hadley
Arentz	Christopherson	Elliott	Hall, Ill.
Arnold	Clague	Ellis	Hall, Ind.
Ayres	Clark, N. C.	Englebright	Hall, Miss.
Bacharach	Clarke, N. Y.	Eslick	Halsey
Bachmann	Cochran, Pa.	Estep	Hammer
Bacon	Cole	Esterly	Hare
Barbour	Collins	Evans, Calif.	Hartley
Beers	Colton	Fenn	Hastings
Bell	Connolly	Fitzgerald	Haugen
Blackburn	Cooper, Tenn.	Fort	Hickey
Bolton	Cox	Foss	Hill, Wash.
Bowman	Craddock	French	Hoch
Box	Crail	Fulmer	Hogg
Brand, Ga.	Cramton	Garber, Okla.	Holaday
Briggs	Cross	Garber, Va.	Hope
Browning	Crosser	Garner	Hopkins
Buckbee	Culkin	Garrett	Howard
Butler	Dallinger	Gasque	Huddleston
Cable	Denison	Glover	Hudson
Campbell, Iowa	Dominick	Goodwin	Irwin
Jeffers	Manlove	Reed, N. Y.	Summers, Wash.
Jenkins	Martin	Reid, Ill.	Sumners, Tex.
Johnson, Okla.	Michener	Robinson	Swanson
Johnson, Tex.	Miller	Rogers	Swick
Johnson, Wash.	Milligan	Rowbottom	Swing
Jones, Tex.	Mooney	Rutherford	Taber
Kahn	Moore, Ky.	Sanders, N. Y.	Tarver
Kendall, Ky.	Moore, Ohio	Sanders, Tex.	Taylor, Tenn.
Kerr	Morehead	Sandlin	Thatcher
Kincheloe	Nelson, Me.	Schafer, Wis.	Thompson
Kinzer	Nelson, Mo.	Schneider	Thurston
Knutson	Newhall	Sears	Tilson
Kopp	Niedringhaus	Shaffer, Va.	Tinkham
Kurtz	Nolan	Short, Mo.	Underwood
Kvale	O'Connor, Okla.	Shott, W. Va.	Wainwright
LaGuardia	Oldfield	Shreve	Warren
Lambertson	Oliver, Ala.	Simmons	Wason
Lanham	Palmer	Sloan	Watres
Lankford, Ga.	Parker	Smith, Idaho	Welch, Calif.
Lea	Patman	Snell	Whitley
Leavitt	Patterson	Snow	Whittington
Lehlbach	Pittenger	Sparks	Wigglesworth
Letts	Pratt, Harcout J.	Speaks	Williamson
Lozier	Pritchard	Sproul, Ill.	Wilson
McCormick, Ill.	Quin	Stafford	Wolfenden
McKeown	Ramey, Frank M.	Stevenson	Wolverton, W. Va.
McLeod	Ramseyer	Stone	Woodrum
McMillan	Ramspeck	Strong, Kans.	Wright
McSwain	Rankin	Strong, Pa.	Yon
Magrady	Ransley	Sullivan, Pa.	

NAYS—89

Abernethy	Cullen	Hooper	O'Connor, La.
Andrew	Darrow	Houston, Del.	Oliver, N. Y.
Aswell	Davis	Hull, Wis.	Palmisano
Auf der Heide	DeRouen	Kennedy	Perkins
Beedy	Dickstein	Kiess	Prall
Black	Douglass, Mass.	Lampert	Quayle
Bland	Drane	Lankford, Va.	Rainey, Henry T.
Bloom	Drewry	Larsen	Sabath
Boylan	Dyer	Leech	Sirovich
Britten	Edwards	Lindsay	Smith, W. Va.
Browne	Evans, Mont.	Linthicum	Somers, N. Y.
Brunner	Fisher	McClintock, Ohio	Temple
Burdick	Fitzpatrick	McCormack, Mass.	Turpin
Carley	Freeman	McFadden	Vincent, Mich.
Carter, Wyo.	Gambrill	McLaughlin	Vinson, Ga.
Celler	Gavagan	Mansfield	Watson
Chalmers	Gibson	Mapes	Whitehead
Clancy	Goldsborough	Mead	Woodruff
Clark, Md.	Granfield	Montague	Wurzbach
Cochran, Mo.	Hale	Moore, Va.	Wyant
Connery	Hancock	Morgan	
Coyle	Hess	Norton	
Crisp	Hill, Ala.	O'Connell	

NOT VOTING—116

Aldrich	Eaton, N. J.	Kendall, Pa.	Reece
Baird	Finley	Ketcham	Romjue
Bankhead	Fish	Kiefner	Seger
Beck	Frear	Korell	Seiberling
Blanton	Free	Kunz	Selvig
Bohn	Fuller	Langley	Simms
Brand, Ohio	Gifford	Luce	Sinclair
Brigham	Golder	Ludlow	Spearing
Brumm	Graham	McClintick, Okla.	Sproul, Kans.
Buchanan	Hall, N. Dak.	McDuffie	Stalker
Burtness	Hardy	McReynolds	Steagall
Busby	Hawley	Maas	Stedman
Byrns	Hoffman	Menges	Stobbs
Campbell, Pa.	Hudspeth	Merritt	Sullivan, N. Y.
Chase	Hull, Morton D.	Michaelson	Taylor, Colo.
Collier	Hull, William E.	Montet	Timberlake
Cooke	Hull, Tenn.	Mouser	Treadway
Cooper, Ohio	Igoe	Murphy	Tucker
Cooper, Wis.	James	Nelson, Wis.	Underhill
Corning	Johnson, Ill.	O'Connor, N. Y.	Vestal
Crowther	Johnson, Ind.	Owen	Walker
Curry	Johnson, Nebr.	Parks	Welsh, Pa.
Davenport	Johnson, S. Dak.	Peavey	White
Dempsey	Johnston, Mo.	Porter	Williams
De Priest	Jonas, N. C.	Pou	Wingo
Dickinson	Kading	Pratt, Ruth	Wolverton, N. J.
Douglas, Ariz.	Kearns	Purnell	Wood
Doutrich	Kelly	Ragon	Yates
Doyle	Kemp	Rayburn	Zihlman

So the recommendation of the committee was agreed to.

The Clerk announced the following pairs until further notice:

Mr. Purnell with Mr. Bankhead.
Mr. Free with Mr. Tucker.
Mr. Kendall of Pennsylvania with Mr. Byrns.
Mr. Brigham with Mr. Corning.
Mr. Luce with Mr. Blanton.
Mr. Murphy with Mr. Wingo.
Mr. Crowther with Mr. Pou.
Mr. Graham with Mr. Buchanan.
Mr. Treadway with Mr. Collier.
Mr. Hawley with Mr. Hull of Tennessee.
Mr. Vestal with Mr. Rayburn.
Mr. Johnson of Indiana with Mr. Sullivan of New York.
Mr. Wood with Mr. Busby.
Mr. Golder with Mr. Steagall.
Mr. Sinclair with Mr. Taylor of Colorado.
Mr. Welsh of Pennsylvania with Mr. McDuffie.
Mr. Cooper of Ohio with Mrs. Owen.
Mr. Michaelson with Mr. Romjou.
Mr. Brumm with Mr. Ludlow.
Mr. Kiefner with Mr. Douglas of Arizona.
Mr. Beck with Mr. Williams.
Mr. Ketcham with Mr. Fuller.
Mr. Menges with Mr. Kemp.
Mr. Aldrich with Mr. Montet.
Mrs. Langley with Mr. Ragon.

Mr. Davenport with Mr. O'Connor of New York.
Mr. Seger with Mr. Spearing.
Mr. Johnson of South Dakota with Mr. Hudspeth.
Mr. Johnston of Missouri with Mr. Parks.
Mr. Merritt with Mr. McClintic of Oklahoma.
Mr. Baird with Mr. Igoe.
Mr. Chase with Mr. Stedman.
Mr. Frear with Mr. Kunz.
Mr. Gifford with Mr. Doyle.
Mr. Selberling with Mr. McReynolds.

The result of the vote was announced as above recorded.

The SPEAKER. Without objection, the Clerk will inform the Senate of the action of the House.

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing under the rule.

The Clerk read as follows:

House Resolution 271

Resolved, That it shall be in order, beginning on Thursday, June 26, 1930, until the end of the present session of Congress, for the Speaker to recognize Members for motions to suspend the rules.

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. HOLADAY. Will the gentleman from New York yield?

Mr. SNELL. I shall be glad to yield.

Mr. HOLADAY. Could the gentleman give us some information as to what the program for to-morrow is?

Mr. SNELL. I will say in reply to the question that it is expected to take up this resolution immediately after the disposition of business on the Speaker's table. Then it is expected that the veto message will be here very shortly after 12 o'clock, and as soon as that has been passed upon we want to be in a position to have the Speaker recognize the gentleman from South Dakota [Mr. JOHNSON] to suspend the rules and pass some veterans' legislation.

The SPEAKER. The Chair will state that he is informed the President's veto message will arrive shortly after noon to-morrow. It will be taken up immediately after the passage of the rule just brought in by the gentleman from New York and at the conclusion of the vote, which will sustain the President's veto [applause], the Chair will immediately recognize the gentleman from South Dakota [Mr. JOHNSON] to suspend the rules and pass a veterans' relief measure. [Applause.]

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that it may be in order for the remainder of to-day's session to consider bills on the Consent Calendar, beginning where the call last left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order to consider bills on the Consent Calendar for the remainder of to-day, beginning where the call last left off. Is there objection?

Mr. GREEN. Mr. Speaker, reserving the right to object, is it the purpose to bring up any suspensions this afternoon?

Mr. TILSON. No; there will be no authority to bring them up.

Mr. BRIGGS. Reserving the right to object, is it the purpose of the leaders to give the House an opportunity to vote on the Couzens resolution before adjournment.

Mr. TILSON. I can not tell the gentleman. There are many things to consider, and there is certainly no disposition to prevent the consideration of any bill.

Mr. BRIGGS. But the Couzens resolution was what I was inquiring about.

Mr. TILSON. I do not know the parliamentary situation with reference to that resolution.

Mr. O'CONNOR of Louisiana. That is a very illuminating reply.

Mr. McMILLAN. Mr. Speaker, reserving the right to object, I would like to say to the gentleman from Connecticut that I would like to have about 10 minutes, and I wish that could be arranged while gentlemen who watch the Consent Calendar are preparing their bills.

Mr. TILSON. I certainly shall not object, and I hope that no one else will.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Kelly-Capper bill, and to include therein certain remarks by Major Namm and Milton Dammann on the same subject.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the Kelly-Capper bill and to include certain remarks by Major Namm and Milton Dammann. Is there objection?

Mr. SNELL. I have no objection to the gentleman's own remarks but I will not give unanimous consent to the extension of remarks made by gentlemen outside of the House.

Mr. CELLER. Mr. Speaker, I withdraw my request.

INLAND WATERWAYS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on inland waterways.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, a transportation system is the foundation, if not the mud sills, on which rests the civilization of every country on the face of the globe. This is not only true of to-day but has been the fact through all the centuries that have flown into eternity since man first opened his eyes on this earth. Rome's glory and grandeur was as much due to her highways and triremes as to her conquering legions. The Appian Way was a greater factor in her world dominance than the orations of Cicero or the exploits of Cæsar.

The strength, the economic strength of the Netherlands, France, Germany, and Belgium are due to their wonderfully developed waterways. If you will find why Belgium can deliver cement to our north Atlantic coast so cheaply go to the hearings on that subject before the Ways and Means Committee and find that it is due to the canals of that magnificently operated hive of industry. In the rapidity of the march of the American people from the Atlantic to the Pacific and from the far North to the Gulf of Mexico razing forests, trampling the wilderness under foot, building homes, farms, villages, hamlets, towns, and cities that now dot the landscape they had not the time to think out, plan, and construct a comprehensive waterway system, which ought to be the greatest asset the United States ever possessed. But we are now beginning to concentrate on the subject, and from that concentration will undoubtedly spring, develop, and expand an inland waterway system that will keep us in the vanguard of power and industrial greatness for centuries to come. Up to this time our rivers and harbors and inland navigable streams have been improved in such an unscientific manner that they were an almost negligible factor in our transportation need.

Vast sums were spent in such an illogical manner upon our waterways as to bring about the most savage criticism which in itself for a time prevented any sincere effort to utilize for beneficial purposes the great streams of the United States. Happily that day is past, and we are again looking to the rising sun of hope. We are beginning to develop our great rivers and their tributaries along engineering and waterway lines that will make for the glory that was of Greece and the grandeur that was of Rome. There must come within the next decade a renaissance, a revival of commerce upon our rivers that will pale into insignificance the argosies carried by the barges on the Nile in the day of its opulence and when it held spellbound the admiration of the commercial thought of the time. The development of the Mississippi Valley through the use of the great waterways that penetrate every part of the great hollow that lies between the Alleghenies and the Rockies means numberless cities lighted by power from the "white coal" that will flow by their doors—power that will develop farms and illuminate homes, power that will operate factories and set in motion a million wheels that will produce unimaginable wealth from that which to-day, uncontrolled and unused, is a liability. Madly to the Gulf the unharnessed waters run, inundating the land in flood time, the worst liability and the most hideous curse from which any country could suffer.

Unimaginable wealth will flow from the mighty streams when harnessed and made to produce from the power generated by them products that will not only serve the millions that reside in the valley, but which will be exported over the seven seas by the ships that will diverge from New Orleans to all parts of the earth after their precious cargoes have been brought to the great metropolis by the rivers and the great railroads which will converge there. Nothing can happen until the appropriate time comes for it to happen. Engineering science, busy in other directions, slumbered in so far as hydraulics were concerned. The world that was rushing by has awakened to the necessities of the hour and its magic hands of invention and discovery are now clearing the way for the wonders that are to come. From the Hydraulic Laboratory much will come in the way of information that will make for the success of flood control, the

development of inland waterways, the use for power purposes of the streams that are now a liability and the creation and expansion of new canals that may run from St. Louis to the Gulf and be fed by the mighty Mississippi and its tributaries. The wonderful inventions of to-day may be to the discoveries that will come from the advancement of engineering science and hydraulics what the tallow dip is to the blazing searchlight.

I have been singularly fortunate all my life in making the acquaintance from time to time of men who might be justly regarded as the music makers of their times and the dreamers of those dreams that have come true. Particularly has this been so since I became a Member of Congress more than 10 years ago. Men of light and leading have been my friends, and their conversations I have enjoyed on many occasions, because those conversations opened my eyes to the glories that are to come. The United States, the land that we love, is yet at the sunrise of its power. To hold the masterful position which it has achieved we must coordinate our railroads, waterways, highways, and airways.

We must encourage our neighbors in Mexico and Central and South Americas to construct the great Pan American highway along the sides of which will spring up unimaginable wealth. It has been frequently said that if there were in existence prior to 1861 railroads running north and south there would have been no Civil War. The Pan American highway will not only be a great artery of commerce but will do more to cement the friendly relations of the peoples of the western continent than all the orations about good will that could be made from now to doomsday.

Let me take you into the banquet hall so that you may secure some of the information I have been able to pick up in a large and opulent way from the many Plato feasts to which I have been invited by illustrious friends who in the night of darkness in the valley saw through the thick gloom the glittering and star-studded sky that lies beyond and with the inner eye of prophets the dazzling glory of the morn that was to come.

INLAND WATERWAY TRANSPORTATION IN MISSISSIPPI VALLEY

The development of our Mississippi River transportation system is one of the most beneficial economic moves sponsored by Congress. Due to the many changes in transportation and in the general rate situation that have occurred since the opening of the Panama Canal and since the conclusion of the World War, our mid-West has been faced with a peculiar set of circumstances. This great productive valley of the Mississippi River, from Chicago and Minneapolis to New Orleans and our Gulf territory—the tributary area to this Mississippi River project—has been faced with a considerably distorted economic situation.

Much of the agricultural distress and insistent demands for remedial legislation have sprung from the economic situation which gradually came upon us. To a very large extent transportation changes have caused the distortion in ability to compete in world markets that is found when we compare the Atlantic coast with the interior of our country.

Increases in railway rates, we find from the Department of Commerce bulletin, Great Lakes to Ocean Waterways, forced the mid-West farmer to pay from 6 to 12 cents more per bushel to reach the world markets than before the war. On the other hand, the foreign farmers, producing at a lower cost, are located close to the seaboard and do not have to pay high transportation charges. Ocean shipping rates, as we all know, are substantially at the pre-war levels, or lower, at the present time. This transportation differential, operating against our manufacturers and especially against our producers and users of agricultural and raw commodities, is unquestionably one of the most important causes of the hardships our Middle West territory has had to bear during the past few years. While the east coast and the west coast of the United States have been moved closer together by 224 cents per ton on a staple commodity, the central western part of our country, using Chicago as an example, has been placed about 336 cents farther away from Pacific regions. These facts show us that a handicap has been placed upon the outbound products of the Middle West, as well as upon the inbound products of this great productive territory, adding greatly to the cost of inbound supplies and detracting to a great extent from the ability of our Middle West producers and agriculturalists to supply their goods in competitive world markets.

This great Mississippi River system, for which we are now passing additional legislation, offers a fair measure of relief for these conditions. Transportation has tended to bring about our present economic distortion in this territory, and the proposed waterway development which we are now undertaking will have a most beneficial economic effect and tend largely to restore the former satisfactory economic balance. Our railway rates can not be reduced without impairing disastrously the usefulness of our railway carriers, which will always remain the burden carriers of our commerce. On the other hand, we would never think of closing the Panama Canal.

The good it has brought far overshadows what economic distortion has come along with it. The development of our interior streams and rivers, which permits a wider area for the marketing of our products through cheaper transportation, and which gives us an opportunity to bring in the necessary supplies which we buy at lower costs, affords a large measure of relief and will greatly benefit in a most practical economic way our mid-western and Gulf territory.

We may well expect, then, to see, as the Great Lakes to Gulf waterway is completed, a large increase of agricultural and industrial commodities moving from the agricultural and manufacturing districts to New Orleans or other Gulf ports, destined for world trade as well as an enormous increase along the banks of the rivers and streams themselves. We may well anticipate with economic certainty that the cost of the raw products which we use in our industries will be greatly lessened and increased manufacture by American labor will be a result.

We may expect, further, that not only will our ability to compete in the present markets of the world and our present domestic markets be given a wider opportunity but also, as a result of these transportation changes that will undoubtedly come about with these waterway improvements, wider fields for the marketing of our products will be made available.

Therefore not only should the farmers expect to reap benefits from our waterway improvements, and not only should the opportunity for trade in our foreign as well as in our domestic markets be stimulated and produced, but also our industrial and manufacturing possibilities will be greatly increased and further opportunity for American labor to participate in the production of the supplies needed in world as well as domestic commerce will be greatly enhanced. We may expect further developments along the lines of port and terminal improvements, not only in the major cities along the banks of the Mississippi River system but also of the smaller places which will take their part in this great picture of coordinated transport.

President Hoover, when Secretary of Commerce, expressed the following opinion regarding the possibilities of the Mississippi system of waterways:

If we examine our possibilities in this vision of an enlarged inland waterway system, we find that the rivers of the Mississippi drainage between the Alleghanies and the Great Plains are disposed topographically in such a fashion that by deepening these stream channels we could project a 9,000-mile consolidated system traversing 20 States. There lies within these 9,000 miles two of the great trade routes of our Nation. One of them is an east and west waterway across half the continent from Pittsburgh to Kansas City, along the Allegheny, the Ohio, the Mississippi, and Missouri Rivers.

The other, a great north-and-south waterway across the whole Nation, reaches up the Mississippi from the Gulf dividing into two great branches, one to Chicago and extending thence by the Lakes to Duluth, the other through the upper Mississippi to the Twin Cities. And other great arms of this system can be created up the Missouri, the Tennessee, the Cumberland, and the Arkansas.

Such a system brings within its reach not only 20 States but the great cities of New Orleans, Minneapolis, St. Paul, St. Louis, Chicago, Kansas City, Omaha, Cincinnati, Pittsburgh, Memphis, Chattanooga, Wheeling, Little Rock, and many towns of less size as well as their great agricultural hinterlands.

We have been engaged for many years at work on parts of this system, gradually improving it, deepening it, so as to permit of modern craft. But, unfortunately, we have conceived it as a series of local improvements and to-day it lies in many disconnected segments. Our engineers advise me that given the appropriations, we can within five years complete a depth of 9 feet connecting Chicago and Pittsburgh with New Orleans, that we could coincidentally complete a depth of 6 feet ver the rest of the system—much of it to be some day deepened to 9 feet. They advise me that about 2,200 miles have now been improved to 9 feet in depth, and about 1,400 miles have been improved to at least 6 feet in depth. Two-thirds of the job has been done; but in disconnected segments. And segments do not make a transportation system. No railroad ever survived that was built in such fashion. These disconnected projects have perhaps served a purpose in political life, and we may well be grateful for the useful work which has been accomplished. But as transportation systems they might be compared with a great railway which has occasional stretches of narrow-gage tracks. In such a case the volume of goods that could be handled would diminish to the capacity of the weakest link, and the cost of transportation would be enormously increased.

The present administration will insist upon building these waterways as any other transportation system would be built—that is, by extending its ramifications solidly outward from the main trunk lines. Substantial traffic can not be developed upon

a patchwork of disconnected local improvements and intermediate segments. Such patchwork has in past years been responsible for the unwise expenditure of millions of public money.

We must design our policies so as to establish private enterprise in substitution for Government operation of craft upon these waterways. We must continue Government barge lines through the pioneering stages, but we must look forward to private initiative not only as the cheapest method of operation but as the only way to assured and adequate public service.

With the deepening of channels there has been an improvement in craft. Great barges specialized to different types of traffic convey many times the goods of their shallow predecessors. Diesel engines, improved steam appliances, and better loading and discharging devices have all advanced us a long way from the old canal and the packet boat. But the fundamental requirement for use of this equipment is that we shall have sufficient and reliable depths of water to make it possible. Without such depths our rivers are not transportation systems; they are drainage channels.

And all of these forces and inventions have restored our water carriage to the cheapest of all forms of transportation for many types of goods. Nor do we have to rely upon theory and assertion. We have concrete experience upon which we can rely. Those segments of our waterways which have been completed are actually operating at rates no greater than railway rates before the war.

Broadly, if we have back loading, 1,000 bushels of wheat can be transported 1,000 miles on the Great Lakes or on the sea for $20 to $30; it can be done on a modern-equipped Mississippi barge for $60 to $70, and it costs by rail from $150 to $200. These estimates are not based upon hypothetical calculations, but on the actual going freight rates.

Although inland waterway traffic figures are not yet available for 1929, estimates indicate that the year will show a substantial increase over 1928. The latest complete statistics are for 1928. According to the annual report of the Chief of Engineers, United States Army, the year 1928 showed an increase over 1927 in the commerce carried on our rivers, canals, and connecting channels. The figure for 1928 was 227,300,000 tons, as compared with 219,000,000 tons for 1927. (These figures include traffic through St. Marys Falls Canal and the Detroit River.)

The following table shows the steady growth which has been made in inland waterway traffic since 1922:

Commerce on the river, canals, and connecting channels of the United States, calendar years 1922–1928

Year:	Tonnage
1922	111,800,000
1923	153,700,000
1924	173,200,000
1925	204,569,000
1926	217,000,000
1927	219,000,000
1928	227,300,000

An event of considerable importance in the development of inland water transportation during 1929 was the decision of the Interstate Commerce Commission in ex parte 96 (Apr. 20, 1929) providing for the establishment of through routes and joint rates between the Inland Waterways Corporation, operating the Federal Barge Lines, and all connecting common carriers by rail subject to restrictions to prevent unduly circuitous routes. This decision was made on application filed by the Inland Waterways Corporation pursuant to the Denison Act passed by the Congress on May 29, 1928. This decision is hailed as an important step forward in the solution of the joint rail-and-water-rate problem.

Research conducted by the transportation division of the Department of Commerce reveals the fact that the total investment in floating equipment in use on our rivers and canals (excluding the Great Lakes) in the transportation of freight amounts to slightly in excess of $150,000,000. This investment represents approximately 4,500 barges, and 1,300 units of propelling equipment. During 1929 the shipyards of the country constructed 410 barges and 49 units of propelling equipment. During 1928 there were constructed 321 barges and 22 units of propelling equipment. These figures show a steady growth in the building of river equipment.

It is interesting to note in any study of inland waterway transportation the use Germany is making of her inland waterways. We should bear in mind in relating facts pertaining to these waterways that the German people have had generations of experience with this medium of transportation, and according to their own testimony, have been quite successful in their operations. There are many German cities which have become great manufacturing centers because of waterways development. As examples, Duisburg, Mannheim, and Ruhrort may be mentioned. Germany's industrial ascendance has been closely linked by many authorities with the extension of its waterways and the low freight charges thus afforded. The German Government, although then owner of the railroads, spent hundreds of millions of dollars on the development of its waterways.

The mileage of waterways in Germany, including canals, amounts to approximately 7,635 miles. Including barges and towboats, the German inland fleet numbers around 25,000 vessels of a total tonnage exceeding 7,000,000. Inland ports have been built which rival the proudest of the seashore, Duisburg-Ruhrort ranking first with an outgoing and incoming traffic by water in 1928 of 22,777,000 tons. In 1928, 107,600,000 tons of freight were carried by German inland waterways. All of which would indicate that the German business men are making good use of this cheaper means of transportation.

Experience both at home and abroad has taught us one important lesson. Inland waterway transportation should be fostered not for the purpose of carriage of highly expensive commodities but principally for the transportation of those commodities of great bulk and low value, which would probably not otherwise enter into the distant market and not be moved at all were it not that the cheaper agency of transportation placed them in a competitive trade channel. These bulky, less costly goods may be given a wider or more inclusive territory of sales. And goods which move via a cheaper water agency, where it is cheaper, may in semi or fully manufactured status, be freight originating for rail, road, motor truck, or airplane. Yes; there is a definite place for proper functioning of river agencies of transport.

FEDERAL LAND BANKS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. McMILLAN. Mr. Speaker, and gentlemen of the House, I am moved to make some observations on the conditions of Federal and joint-stock land banks, and the policies of the Federal Farm Loan Board, by reason of certain resolutions passed by a mass meeting of some 200 farmers and business men, all citizens of South Carolina, on the 15th day of April, 1930, and later indorsed by the South Carolina State Democratic Convention. These resolutions were published in the CONGRESSIONAL RECORD April 21, 1930, pages 7303 and 7304.

If the resolutions are justified by the facts, the condition of Federal and joint-stock land banks and the policies of supervision of the Farm Loan Board call for serious and candid consideration by every Member of Congress. It is impossible to thoroughly discuss the subject to-day because the time allotted me will not permit.

Before undertaking or fixing responsibility, or to suggest a definite remedy, there should be a thorough and fair investigation made to determine just what the actual conditions are. I doubt if any Member of Congress has sufficient authentic information on which to base a conclusion as to remedial legislation. But we do have sufficient information to convince the most skeptical that something of a constructive nature must be worked out if this system of banks is to survive. The resolutions adopted by the mass meeting of citizens of South Carolina, already referred to, states:

> Farmers and owners of farm lands in every part of the United States are being forced into bankruptcy by the thousands.
>
> * * * * * * *
>
> The present farm land banks are pursuing a policy of ruthless foreclosures of mortgaged farms—a senseless and merciless exercise of discretionary power.
>
> * * * * * * *
>
> Reconstruction of the intermediate credit bank under a separate board composed of a membership the majority of which shall be actively engaged in farming and representing the several sections of the Nation and making it accessible to the farmer as a means of production credit.
>
> * * * * * * *
>
> Putting the land banks in the hands of their former stockholders to the extent of giving them an important share of its management. Inauguration of a policy by the Federal Farm Board which shall include a reduction of the rate of interest to the farmer and a return of the system to the purposes for which it was intended.
>
> * * * * * * *
>
> Refraining from foreclosing mortgages held by the Federal land banks, the joint-stock land banks, and the intermediate credit banks until such time as relief measures shall restore the farmer's ability to pay, and protection of the bonds of these banks by the Federal Government.

It requires no stretch of the imagination to see that unless something is done this system of banks, created by Congress to

aid agriculture, is in imminent danger of being completely destroyed. Ordinarily I would not feel it wise to make this statement because of the injury which might be caused in destroying public confidence in the integrity of the land banks. I am persuaded, however, that this confidence has already been considerably shaken, and the one thing necessary to restore it is a frank statement to the country of actual conditions and the inauguration of a sound remedy. There has been no period since the banks were organized in 1917 when the farmers were in as great need of financial assistance as they are to-day. Notwithstanding this, the thirteenth annual report of the Farm Loan Board, page 33, shows that the net increase in mortgage loans by the 12 Federal loan banks for the year 1929 was only $3,693,000. The record of the 48 joint-stock land banks is even worse. It shows a decline in net mortgage loans during the year 1929 of $30,000,000, giving as a whole a decline for the year of $27,000,000. I am not unmindful of the fact that the decrease of net mortgage loans is accounted for partly by increasing payments on account of principal. But by far the greater part of this decrease, the net mortgage loan, is due to mortgage foreclosures.

We are advised from the report that during the year 1929 the Federal land bank sold 2,401 farms for $8,933,000; that during the same year they acquired, either outright or subject to redemption, 3,072 farms, and that their total investment in these farms was $12,679,480, and there were foreclosures pending on December 31, 1929, on 1,921 loans, which represented $6,311,000. The Federal land banks owned outright on December 31, 1929, real estate of the value of $23,287,462. I call special attention to the fact that farms are being acquired faster than they are being sold, and the board does not see fit to advise Congress as to the losses, if any, which the banks ever sustain on farms sold. But from a general knowledge of the present demand for farm lands, it is fair to assume that these sales are either paper transactions, or that the banks have taken a very great loss.

The joint-stock land banks during the year 1929 sold 824 farms for $7,967,000, and during the same period acquired 1,530 farms, representing an investment of $15,900,000. The total number of foreclosures pending on December 31 by stock land banks were 691, representing an unpaid principal of $5,391,000.

Mr. GREEN. Will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. GREEN. It is apparent from a conference I held with members of the Federal land bank at Columbia last fall that the number of farms being absorbed by the banks, as is so well pointed out by the gentleman, is appalling, and in view of the number that are being sold and the losses sustained in such sales, the Congress will either have to appropriate money to make up these deficits or else these land banks will collapse.

Mr. McMILLAN. That is exactly in line with my remarks, and I am going to propose a remedy to take care of this condition by reason of the economic conditions now existing throughout the country generally.

Mr. GREEN. Those conditions exist throughout the country, affecting all the farming sections.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. STRONG of Kansas. I just want to ask what remedy the gentleman has to suggest.

Mr. McMILLAN. I shall suggest that in the course of my remarks.

Mr. SLOAN. Will the gentleman yield there?

Mr. McMILLAN. Yes.

Mr. SLOAN. Where is all this foreclosure and all this farm trouble?

Mr. McMILLAN. Throughout the entire country, as shown in the thirteenth annual report of the Federal Farm Board.

We are further advised by the board that when a bank has kept a farm for more than six months it is reappraised and the bank required to charge off the excess of carrying value from the reappraised value. This is virtually a notice to the banks to dispose of the acquired farms within the 6-month period.

The board in its report states that during the year Federal land banks closed loans amounting to $64,250,600; that joint-stock land banks closed loans amounting to $18,000,922. Federal land banks during the year issued bonds in the total amount of $18,850,000, joint-stock land banks in the sum of $5,185,000; but we find on December 31, 1928, Federal land bank bonds in the hands of investors total $1,174,410,040, and on December 31, 1929, $1,183,371,380, showing a net increase of bonds actually sold of about $9,000,000.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, some of us have come on the floor because we understood the Consent Calendar would be called. I shall object to any speeches following the speech of the gentleman from South Carolina.

Mr. McMILLAN. I thank the gentleman very much.

The SPEAKER. Is there objection?

There was no objection.

Mr. McMILLAN. In the case of the joint-stock land banks it appears that there was a net decrease in bonds of $13,273,700, or a net decrease for the system as a whole of approximately $4,000,000. We have, therefore, a showing of a net decline in the amount of mortgage loans and a net decline in outstanding farm-loan bonds. If this decline in mortgage loans could be attributed to the fact that farmers have been able to pay their loans, it would be encouraging; but the fact is, as already stated, that the decline in loans is due to foreclosure of farm mortgages.

And this leads us to a discussion of the policy of the board and the banks in reference to mortgage foreclosures. No one will insist for a moment that these banks ought to make bad loans or that there should be no foreclosures. But it should be the policy of the banks to assist the borrower in every legitimate way in working out his difficulties and to avoid foreclosures where possible. Every informed person knows that during the past few years agriculture has been unprofitable. We need not here discuss the causes. The fact is that for a period of years farm lands have declined in market value and farm income has not been sufficient to enable the farmer to meet his amortization installments. Banks in agricultural territory have failed by the hundreds, due to the agricultural depression. Farm mortgages have been foreclosed and lands offered for sale at a time when there is no market. If this condition should continue, then agriculture is hopelessly ruined. But it will not continue. It can not continue. Farmers can not produce indefinitely at a loss. Some plan will be worked out by which there will be a market for farm lands and a profit from farm operation. As soon as farm operation becomes profitable there will be a satisfactory market for farm land.

What I insist on is that during this period of depression it should be the policy of these banks to withhold foreclosures and assist their borrowers to work out some plan. These banks were created to be of assistance to agriculture when it is in distress. When we are sick, we need a physician; but if the physician is going to give a prescription which will aggravate the malady, the patient had better trust to nature and dispose with the services of the physician.

I do not overlook the fact that it is necessary that these banks, in order to maintain their credit, shall meet promptly the interest on their outstanding bonds; but surely this can not be accomplished by a senseless liquidation through foreclosure of mortgages and a sale of farm lands when it is known in advance that there are no buyers. These foreclosed farms should ultimately be owned and operated by bona fide farmers, and whoever may become the owner, he will expect to derive from the farm operation a sufficient profit to ultimately pay the price of the farm. If the banks must take a staggering loss in order to take a farm from one farmer and sell it to another, would it not be wise to consider taking some loss in order to keep the present owner on the farm? My chief criticism is that, in the face of these distressing economic conditions, we have no definite recommendation or request from the Farm Loan Board as to remedial measures.

The Farm Loan Board, if it were sympathetic and had an intelligent grasp of the situation, would surely recommend to the Congress some plan which would make it unnecessary for thousands of farmers to sacrifice earnings of a lifetime and compel them to abandon their farms and homes. When the Federal land banks were organized the Government of the United States supplied practically all of their initial capital, all of which has been repaid with the exception of a small amount due by one bank. The banks to-day need the assistance of the Government if they are to be of real service to agriculture—as much as they did when originally organized.

The present Congress has appropriated $500,000,000 from the Treasury for the avowed purpose of aiding agriculture. Can there be any legitimate objection to the Government at this time going to the assistance of the farmer by providing temporary capital for the organization of a corporation to take over farms already acquired, as well as those hereafter to be acquired, and hold them off the market until a satisfactory sale can be had, and allow the banks over a period of say 20 years to repay the Government for moneys thus advanced? It is estimated that this might require $50,000,000. I do not suggest that the Government should make this as a donation, but in the nature of a loan or advance.

There is another angle to this situation which deserves the serious consideration of the Congress. Thousands of investors in the United States have in good faith purchased land-bank bonds and stocks in joint-stock land banks, and they had every right to expect that the Government which created these banks would, at least, spare no effort to protect them against loss of principal. Bonds of these banks to-day are selling in the market below par, some less than 50 cents on the dollar. I do not say that an investor in either of the stock or bonds of these banks should be absolutely guaranteed against loss on his investment, but it is the duty of the Government and of the Congress to take every step necessary to save these banks from liquidation, and if this is done the banks will be able ultimately to meet their legitimate obligations and continue to serve the farmer.

For more than two years we have been advised by the Federal Farm Loan Board that it had reorganized the Farm Loan Bureau, that the delinquencies of the former board and the mismanagement of some of the banks had been corrected, that public confidence in the financial integrity of the banks had been restored, and that the banks were in a sound financial condition, but notwithstanding these repeated assurances through the press as well as in the reports submitted to the Congress by the Farm Loan Board the fact remains that there is no improvement in the condition of the banks, and certainly no plan is proposed which will avoid the impending crash.

If I have succeeded in impressing the Congress with the seriousness of this situation, my purpose will have been accomplished, because I know when the Representatives of the American people realize the danger which threatens the land-bank system a remedy will be found. We can not afford to allow this great agency of the Government to become impotent and financially destroyed because of a lack of sympathy or understanding on the part of those who determine its policies. [Applause.]

THE DOCTOR AND THE VOLSTEAD LAW

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on The Doctor and the Volstead Law and to include therein a statement made by the president of the American Medical Association.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD and to include therein a statement by the president of the American Medical Association. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I have always contended that the physicians of this country should be permitted to use their judgment in prescribing whisky for medicinal purposes; that because a handful of men had violated the law the medical profession as a whole should not be looked upon as being bootleggers. I maintain that the Congress goes far afield of the eighteenth amendment when it tells the physicians of this country the amount of whisky they should prescribe for a sick patient.

Mr. Speaker, I have just read with interest in the Washington Star of June 24, an address by Dr. William Gerry Morgan, of Washington, incoming president of the American Medical Association, on this subject, which I include as part of my remarks. The article follows:

DOCTOR MORGAN SCORES LIMITS IN DRY LAW—TELLS MEDICAL ASSOCIATION CURB ON PRESCRIPTIONS IS INSULTING TO DOCTORS

DETROIT, June 24.—Declaring that the restriction placed by the Volstead Act on the prescription of alcohol by physicians is "a reproach to our profession," Dr. William Gerry Morgan, of Washington, incoming president of the American Medical Association, in his presidential address to-day, asked to have "these humiliating provisions wholly done away with" and the matter left entirely to the judgment of the individual practitioner.

Activities of the "bootlegger doctor," he said, can be guarded against by appropriate provisions without casting a stigma on the entire profession.

He said that a recent questionnaire showed that a majority of the members of the American Medical Association who answered it believe whisky is "necessary" in the treatment of disease. Congress, he declared, broke faith with the medical profession in enacting the Volstead Act.

"The American Medical Association can take no part in the prohibition controversy so strenuously and, perhaps, acrimoniously under discussion by the American people," Doctor Morgan declared, "for physicians, as well as laymen, have varying opinions on the subject, and there are some physicians who even doubt the therapeutic value of whisky.

"As your president, I do not propose to take sides in this acute controversy, but I have something to say which represents my conviction that it is our bounden duty to urge strenuously upon Congress that there be a radical change in those parts of the Volstead Act which forbid the practitioner from following his trained judgment in his ministry to the patient. Such a prohibition, in my judgment, is a reproach to our profession.

"To be able to say this with emphasis I am not obliged to give my personal views as to the therapeutic value of alcohol.

"We have in our keeping the honor of our profession and when a substantial number of that profession does believe in the use of alcohol and their right to its use is denied by Congress, we are summoned to decisive action.

"A recent book of quickening significance by the distinguished Dr. Harvey Cushing is Consecratio Medici. One of the articles in the book was a graduation address at the Jefferson Medical College, Philadelphia, in 1926, and had this title. It was a noble address, and Doctor Cushing selected that phrase as the title for the whole volume. There is a devotional thought in every paragraph of that inspiring address. That address was directed particularly to the professional devotion of the doctor to the patient, but Consecratio Medici is capable of still wider application—a professional devotion by the physician to the interests of his profession and to the community in need of the untrammeled ministry of the physician.

"Let me accordingly adopt Consecratio Medici as my credo in dealing with that part of the Volstead Act which forbids the physician from prescribing more than a pint of spirituous liquor in any 10 days, or with the supplementary act, which forbids the physician from prescribing in any like period any vinous liquor containing more than 24 per cent alcohol—no matter how desperate be the ailment of the patient. And I wish further to say that I am unalterably opposed to the requirement of the Volstead Act that upon the stub of the prescription shall be written the disease of the patient, with the accompanying right of inspection of it by some roving Federal agent.

"Let us remember, too, that when the eighteenth amendment was proposed for adoption by the State, it was accompanied by a solemn declaration on the part of Congress that the amendment would not authorize any interference with the use of alcohol in the practice of medicine. That undertaking was wholly departed from in the framing of the Volstead Act.

WANTS RESTRAINTS ENDED

"And now, in the spirit of 'consecratio medici,' we may well entertain the high resolve to have these humiliating provisions against our profession wholly done away with.

"There is nothing new in this suggestion for our action, or is it in any sense an academic question; for we are honorably committed to it by our own previous and oft-asserted action.

"Let me briefly summarize the situation so that we may all see how imperative is the duty of this association to do what lies in our power to have these fetters stricken from our profession by Congress.

"Some time ago a questionnaire was addressed to the members of our profession in the following terms:

"Q. Do you regard whisky as a necessary therapeutic agent in the practice of medicine?

"A. The total vote in all States on whether or not whisky was necessary in the treatment of disease was 30,843; 15,625, or 51 per cent, answered yes; and 15,218, or 49 per cent, answered no.

"It was not, you will observe, a questionnaire as to whether the use of alcohol was desirable, but whether it was necessary, and in response to this questionnaire a majority voted that it was necessary. That alone is enough to make me, as president, impress upon you our duty to seek a modification of the restrictions put upon us. If there be prescribed to beverage purposes, then, as this association has urged, it can be provided against by appropriate regulations aimed at the activities of the bootlegger doctor.

"Yet even this by no means is the whole story of our commitment to this case of justice to our profession.

"In 1917 a resolution was passed by the American Medical Association which read as follows:

"'Whereas we believe that the use of alcohol as a beverage is detrimental to human economy; and

"'Whereas its use in therapeutics as a tonic or as a stimulant or as a food has no scientific basis: Therefore be it

"'*Resolved*, That the American Medical Association opposes the use of alcohol as a beverage; and be it further

"'*Resolved*, That the use of alcohol as a therapeutic agent should be discouraged.'

BELIEVES VIEW WAS MISTAKEN

"To that resolution the court below, as did the Supreme Court in the noted Lambert case, attach a significance never intended by this association, for in 1921 the house of delegates repudiated the interpretation given to this resolution and declined to accept it by refusing to reaffirm the judgment of that resolution.

"Again in 1922 the council on scientific assembly, to which the matter of reaffirming the judgment had been reposed, reported as follows:

"'The council deems it unwise to attempt to determine moot, scientific questions by resolution or by vote and recommends that the house of delegates shall take no action at this time on the question of the therapeutic value of alcohol.'

"In 1924 the following resolution was passed by the house of delegates:

"'*Resolved*, That the house of delegates of the American Medical Association expresses its disapproval of those portions of the national prohibition acts which interfere with the proper relations between the physician and his patient in prescribing alcohol medicinally; be it further

"'*Resolved*, That the house of delegates of the American Medical Association instruct the board of trustees to use its best endeavor to have repealed such sections of the national prohibition acts as are in conflict with the above resolution and also use their best endeavor to have the Commissioner of Internal Revenue and the prohibition commissioner issue revised instructions on the use of the prescribing of alcoholic liquors for medicinal purposes by physicians.'"

"Again in 1924 the following resolution was passed by the house of delegates:

"'*Resolved*, In view of the fact that such portions of the Volstead Act and the amendatory acts may be declared unconstitutional, that, as a substitute therefor, regulations should be forthwith drafted by the Prohibition Department to the end that the present abuses may be abated and existing prohibitions as to the practice of medicine removed, and that this association use all means within its power looking to the preliminary approval of such regulations by the Prohibition Department and the Commissioner of Internal Revenue; and be it further

"'*Resolved*, That the board of trustees be directed to appoint a committee to cooperate with the Commissioner of Internal Revenue and the Secretary of the Treasury in the formulation of such regulations as under the national prohibition act, as amended, as may be necessary to carry said act into effect, so far as the medicinal use of liquor is concerned.'

"Yet this is not the whole story. Our counsel, William C. Woodward, was instructed to file a brief as amicus curiæ on behalf of the American Medical Association in the well-known Lambert case in order to give to the court a proper interpretation of these several resolutions by the association and in all other ways to protest against congressional limitation of the physician's prescription.

"It was a brief worthy of the most judicial advocate. We should be very proud to have such a counsel.

"What we have done toward correcting the situation has not yet been effective, but we are as much committed to it as if we had made no such unavailing effort. We must continue to act temperately but firmly and demand of Congress the rights which are ours.

"Let our watchword be 'consecratio medici.'"

CLERICAL ASSISTANCE TO CLERKS OF STATE COURTS EXERCISING NATURALIZATION JURISDICTION

The SPEAKER. The Clerk will call the Consent Calendar, beginning at the star.

The first business on the Consent Calendar was the bill (H. R. 12740) relating to clerical assistance to clerks of State courts exercising naturalization jurisdiction.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I have grave objection to the provision contained in section 1 that the commissioner is authorized to withhold from deposit in the Treasury an amount of the naturalization fees received from such clerk equal to the allowance made to such clerk. This is a bad system.

Mr. CRAMTON. Will the gentleman from New York yield?

Mr. LAGUARDIA. Certainly.

Mr. CRAMTON. I agree with the gentleman, and I have prepared an amendment to correct that, as follows:

Strike out the sentence the gentleman from New York has read and insert in lieu thereof the following:

Payment of such allowances may be made from the appropriation for general expenses of the Bureau of Naturalization under such regulations as the commissioner, with the approval of the Secretary of Labor, may prescribe.

Mr. LAGUARDIA. That would meet my objection. Then all the fees would be covered into the Treasury.

Mr. CRAMTON. That would be necessary, certainly.

Mr. JENKINS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JENKINS. I would like for the gentleman from Michigan to read his proposed amendment again for the benefit of the gentleman from New York [Mr. WAINWRIGHT].

Mr. CRAMTON. Page 2, lines 12 to 15, strike out the last sentence in that paragraph, to which exception has been taken by the gentleman from New York [Mr. LAGUARDIA], and in lieu thereof insert a provision for payment of such allowances from the regular appropriation. The language as it stands allows them to hold these fees and pay them out without the authorities in Washington getting much of a look at it. That is not good administration.

Mr. WAINWRIGHT. Of course, the difficulty with that would be that the Commissioner of Naturalization would be very loath to make the allowance.

Mr. CRAMTON. If the department does not want to approve the allowance, that is up to the department. I should be obliged to object to setting up any scheme that would allow these Government officials to take these fees, and then on their own say-so pay them out as they like.

Mr. LAGUARDIA. The gentleman may add that in no department of the Government do we have such a system.

Mr. JENKINS. I would suggest to the gentleman that he accept the amendment.

Mr. DICKSTEIN. Mr. Speaker, I object.

APPOINTMENT OF TWO ADDITIONAL DISTRICT JUDGES FOR THE NORTHERN DISTRICT OF ILLINOIS

The next business on the Consent Calendar was the bill (S. 3614) to provide for the appointment of two additional district judges for the northern district of Illinois.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUCKBEE. Mr. Speaker, reserving the right to object, I have an amendment to offer, and I shall insist that the amendment be accepted.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. I do not know what the amendment is.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the proposed amendment may be read for information.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read as follows:

Amendments by Mr. BUCKBEE: Page 1, line 4, after the word "Senate," strike out the word "two" and insert the word "one."

Page 1, line 4, after the word "district," strike out the word "judges," in line 5, and insert the word "judge."

Page 1, line 6, after the word "Illinois," strike out the period and insert the words "and a district judge for the United States District Court for the Western District of Illinois hereinafter referred to."

Page 1, line 7, strike out the words "said district" and insert in lieu thereof the following: "their respective districts."

Page 1, lines 8 and 9, strike out the words "said district" and insert the words "United States district courts."

Page 1, line 10, after the word "filled," insert a new section to read as follows:

"That section 79 of the Judicial Code (U. S. C., title 28, sec. 152) be, and the same is hereby, amended to read as follows:

"'The State of Illinois is divided into four districts, to be known as the northern, western, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the 1st day of July, 1910, in the county of Cook.'"

Mr. LAGUARDIA (interrupting reading). Mr. Speaker, the gentleman seeks to create a new district, which certainly is not germane to this bill. Before it gets by the objecting stage, I want to say to the gentleman that I shall raise the point of order. I want to be perfectly fair to the gentleman.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. The amendment proposes to divide the State of Illinois in four districts instead of three—has that been given consideration by the Judiciary Committee?

Mr. McKEOWN. The subcommittee to which the bill was referred was considering the matter, and while considering it action was delayed by the gentleman from Illinois [Mr. REID] being called away, and then this bill came over from the Senate and was taken up without an opportunity to get a report from the subcommittee.

Mr. STAFFORD. Consideration has only been given by the subcommittee. Has the committee recommended favorable action on redistricting the State?

Mr. McKEOWN. I was telling the gentleman that while we were hearing the matter the Senate bill was taken up by the Judiciary Committee in executive session in which these gentlemen were not permitted to be heard.

Mr. LAGUARDIA. Without going into the merits of the case, gentlemen will understand that an amendment creating a new district, which requires a new United States attorney and new United States marshal, and all of the machinery of a

judicial district, certainly is not germane to a bill creating an additional judge in an existing district.

Mr. McKEOWN. I will agree with the gentleman as to the parliamentary situation, but we can agree to it by unanimous consent.

Mr. LAGUARDIA. Does the gentleman believe the we ought to create a new district on the floor of the House?

Mr. McKEOWN. There would have been no trouble at all if these gentlemen had been given a chance to be heard. We insist that Members of the House ought to be given consideration in their bills.

Mr. LAGUARDIA. Why not let us put the bill over and let the Illinois delegation get together and see what they want.

Mr. SABATH. I would like to know more about the bill.

Mr. McKEOWN. That is a good deal like what King George said to the Irish—if you gentlemen will agree we will give you the kind of government that you want.

Mr. STAFFORD. As I understand, the gentleman from Illinois is willing to concede one additional judge to the present judges, for the northern district of Illinois. Would the gentleman be willing to have the bill passed and await subsequent action for the new judicial district, and providing a judge for the new district?

Mr. REID of Illinois. What is the gentleman's question?

Mr. LAGUARDIA. Do you want two judges in the northern district?

Mr. REID of Illinois. Yes; we want two judges in the northern district, and we want a new western district so that the country people will not have to go to Chicago and get run over by the street cars.

Mr. CRAMTON. Is that the only danger in going to Chicago?

Mr. STAFFORD. The danger is in being held up by gunmen and not being run over by street cars.

Mr. BACHMANN. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BACHMANN. There is a great need for some assistance in the northern district of Illinois.

Mr. REID of Illinois. The gentleman is quite right.

Mr. BACHMANN. And the gentlemen who want to create a new district want to make a new district partially out of the northern district of Illinois.

Mr. REID of Illinois. Yes.

Mr. BACHMANN. So that there can be relief had in that section.

Mr. REID of Illinois. Yes.

Mr. BACHMANN. And the way you want to reach that is by amending this bill and creating a new district?

Mr. REID of Illinois. Yes.

Mr. BACHMANN. You have a very congested condition in the city of Chicago at the present time. There were over 2,470 cases pending at the end of the fiscal year 1929 in the northern district. That is in Chicago.

Mr. REID of Illinois. That is our district also.

Mr. BACHMANN. And they have increased over 600 since 1926 on that docket, and the judges in that district can not take care of the cases in the northern district.

Mr. LAGUARDIA. Does the gentleman want to carve out a new district on the floor of the House?

Mr. REID of Illinois. I saw the gentleman carve out two bills from one here the other day.

Mr. BACHMANN. If you are going to enforce the law out there and give those people any relief, you have to do something in the way of an additional judge or additional district, or both.

Mr. CRAMTON. And this congestion does not take into account the large number that ought to be arrested and have not been arrested.

Mr. BACHMANN. Absolutely not. I do not know how many ought to be arrested, but they can not take care of those that are already arrested.

Mr. JENKINS. The gentleman from West Virginia is an authority on this proposition. Does the gentleman think such an action on the part of the House here would comport with the proper dignity that ought to be shown to the gentleman's committee, if we should carve out a new district to-day?

Mr. BACHMANN. I am inclined to this belief: That they are in need of relief in Chicago, and I believe that there ought to be another district created in Illinois. I am not talking about this particular procedure now.

Mr. LAGUARDIA. Let us put it through then.

Mr. REID of Illinois. This is a matter for unanimous consent. If we can not do it by unanimous consent to-day, well and good. I saw the gentleman carve two independent bills out of one one day on the floor. Was that a strange thing? You passed the veterans' bill and you are going to do it to-morrow on the floor. This happens, however, to be a matter for northern Illinois and it is subjected to a different rule. You can do it if you want to, but if you do not want to, then object.

Mr. LAGUARDIA. The gentleman ought to know that every time we have a proposition for a new district in the Committee on the Judiciary we have delegations coming from the territory involved. It concerns the bar, it concerns the Department of Justice, it concerns the bench, it concerns the people there, and it is not an easy matter to decide. I speak from actual experience on that committee. That being so, surely you can not expect the members of the committee who understand the responsibility of the matter to permit an amendment of this kind.

Mr. REID of Illinois. Is the gentleman the only Member of this House who has any responsibility? He seems to take the entire responsibility of the House every time.

Mr. LAGUARDIA. I refer to every member of the Committee on the Judiciary.

Mr. REID of Illinois. If the gentleman wants to object to it, let him object to it.

Mr. BACHMANN. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BACHMANN. I can agree with what the gentleman from New York [Mr. LAGUARDIA] has just said pertaining to the trouble about creating a new district, but I do not think this present amendment, as suggested, and I read it over, is an amendment that the gentlemen who are advocating it ought to insist on being agreed to at this time, because there are some divisions there, the allocation of those counties, the holding of terms of court, that ought to be a little more thoroughly considered before the amendment is adopted. I think if the House should amend the bill to-day and give them one judge over there, I for one, as a member of the Committee on the Judiciary, would assist in helping them do so.

Mr. LAGUARDIA. Surely.

Mr. BACHMANN. And will help all that I can to get them a district after they have the counties properly allocated.

Mr. REID of Illinois. We have them allocated now just right. There is our amendment. If you do not want it, then object to it.

Mr. BACHMANN. I am sure you will run into this difficulty about that district. The matter will have to go to the Attorney General and he has got to consult with the Federal judges and the senior circuit judge with respect to the allocation of those counties. Unless the gentleman is absolutely sure that it is going to be approved beforehand, if he gets it through it will be of no avail to him.

Mr. McKEOWN. Mr. Speaker, I was on the subcommittee that was to hear this bill. We came over and started the hearing and the gentleman from Illinois, Mr. REID was called over to the Senate. We had some ideas about it. We went back before the full committee and this is the way they treated them. When they came back to the full committee they brought the Senate bill over and they would not give either Mr. REID or Mr. BUCKBEE an opportunity to go before the committee and explain what they wanted, and they reported this bill out over my objection, because they would not take care of this district. The fair thing to do about it is to give one judge to the northern district, and give these gentlemen their district. It is a matter local to Illinois.

Mr. SABATH. Does the gentleman not think the Members from Illinois should know something about those districts?

Mr. CHINDBLOM. Mr. Speaker, will the gentleman from New York yield?

Mr. LAGUARDIA. Yes; I have the floor.

Mr. CHINDBLOM. I want to say, as a Member from the city of Chicago, that these two judges are badly needed there for the transaction of the business of the Federal courts in the city of Chicago.

I shall not inject myself at all into the matter of the creation of a new district in northern Illinois, irrespective of Cook and Lake Counties. Both gentlemen [Messrs. BUCKBEE and REID of Illinois] have agreed with me that, so far as Lake County is concerned, it should remain a part of the district which includes Cook County.

I want to emphasize the necessity of these judges for the transaction of business in Chicago. We have been subject again to the usual jibes against the city of Chicago. I want to say that the laws are administered in Chicago just as well as they are administered in any other large city. Gentlemen need express no fear of what will happen in that great metropolitan city of the West. I am a native and lifelong resident of Chicago, and I am proud of the achievements and present greatness of that marvelous metropolis. Of course, we have many social and political as well as economic problems. Not the least of them is the proper and adequate administration of justice. The Federal courts in Chicago need the increase of the two judges provided in the pending bill, and that bill should

pass this House as speedily as possible. So far as my colleagues here from northern Illinois are concerned, they have explained their particular situation, and I have nothing further to say about that.

Mr. LAGUARDIA. If the gentleman from Illinois [Mr. BUCKBEE] insists on his amendment, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. SCHAFER of Wisconsin. I object. They need these judges to take care of these prohibition cases, and I object to having the bill go over.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. I do not object to the bill but to the amendment.

Mr. BACHMANN. Let us thresh out the amendment on the floor.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SABATH. Mr. Speaker, I will have to object. I want to know something about the bill.

Mr. CRAMTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is demanded. The regular order is, Is there objection?

Mr. SABATH. I object. I want to know something about it.

The SPEAKER. Objection is heard.

JAMES M'CANN

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 609, with Senate amendments, and agree to the same.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 609) authorizing the Secretary of the Treasury to pay certain moneys to James McCann.

Senate amendments:

Page 1, line 6, strike out "$255" and insert "$150."

Page 2, line 1, strike out all after "1920" down to and including "$255," in line 5.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

KATHERINE ANDERSON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2810, with a Senate amendment, and agree to the same.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table H. R. 2810, with a Senate amendment, and agree to the same. The Clerk will report the bill and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 2810) for the relief of Katherine Anderson.

Senate amendment: Page 1, line 6, strike out "$4,000" and insert "$2,327.87."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

MARY R. LONG

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 887, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 887, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 887) for the relief of Mary R. Long.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Senate amendments: Page 1, line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

Page 1, line 6, strike out "$5,000" and insert "$3,500."

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX.

GLEN D. TOLMAN

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 936, with a Senate amendment, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The Clerk will report the bill and Senate amendment.

The Clerk read as follows:

A bill (H. R. 936) for the relief of Glen D. Tolman.

Senate amendment: Page 1, line 6, strike out "$5,000" and insert "$2,000."

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. IRWIN, Mr. FITZGERALD, and Mr. BOX.

AMENDMENT OF IMMIGRATION ACT OF 1917

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9803, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill H. R. 9803, with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended.

Senate amendments:

Page 1, line 7, after "Service," insert "and officers and employees of the Naturalization Bureau and Naturalization Service."

Page 2, line 8, after "of," where it appears the first time, insert "such officers."

Page 2, lines 8 and 9, strike out "of the Immigration Service."

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, this bill as it passed the House has to do only with the expenses of inspectors and other employees of the Immigration Service on duty in a foreign country. The Senate have enlarged it to make it apply as well to officers of the Naturalization Bureau and the Naturalization Service when ordered to duty in a foreign country. That may be perfectly logical, but it is a matter that ought to have consideration by the House committee and by the House itself.

The amendment put on in the Senate is not germane. It is another rider, an attempt to legislate through riders, and I shall be obliged to object, unless the gentleman can assure the House that the House conferees will insist on the House language.

Mr. JENKINS. If the gentleman will permit, I may say that these amendments were put on by the Senate, and provide, just as the gentleman from Michigan says, that the naturalization authorities be included.

Mr. CRAMTON. I do not know whether it is logical that foreign travel should be provided for the naturalization authorities, as was provided for the immigration authorities. Certainly it is not logical to have such provision in the immigration act, if it is done.

I must object to the Senate placing riders on these bills that are not germane. It avoids consideration by the House of the matters involved in the amendments.

Mr. JENKINS. I am making this request with the authority of the chairman of the committee and the gentleman from Texas [Mr. Box], the ranking Member on the minority side, both of whom have been consulted, and both of whom agree with the proviso.

Mr. CRAMTON. I have great confidence in those gentlemen as well as in the gentleman from Ohio, but I feel the House should have a chance to pass on this question. We should know what it is going to cost. We should know what is the necessity for it. Hence, I am obliged to object to the request of the gentleman.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 320. An act for the relief of Haskins & Sells;
H. R. 328. An act for the relief of Parke, Davis & Co.;
H. R. 329. An act for the relief of Joseph A. McEvoy;
H. R. 396. An act for the relief of J. H. Muus;
H. R. 414. An act for the relief of Angelo Cerri;
H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 597. An act for the relief of M. L. Willis;
H. R. 655. An act for the relief of Guy E. Tuttle;
H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;
H. R. 864. An act for the relief of W. P. Thompson;
H. R. 1058. An act for the relief of Jesse A. Frost;
H. R. 1076. An act for the relief of Jacob S. Steloff;
H. R. 1174. An act for the relief of A. N. Worstell;
H. R. 1485. An act for the relief of Arthur H. Thiel;
H. R. 1509. An act for the relief of Maude L. Duborg;
H. R. 1510. An act for the relief of Thomas T. Grimsley;
H. R. 1546. An act for the relief of Thomas Seltzer;
H. R. 1592. An act for the relief of William Meyer;
H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;
H. R. 1712. An act for the relief of the heirs of Jacob Gussin;
H. R. 1717. An act for the relief of F. G. Baum;
H. R. 1724. An act for the relief of Margaret Lemley;
H. R. 1739. An act for the relief of J. A. Miller;
H. R. 1888. An act for the relief of Rose Lea Comstock;
H. R. 2021. An act to authorize the establishment of boundary lines for the March Field Military Reservation, Calif.;
H. R. 2166. An act for the relief of Mrs. W. M. Kittle;
H. R. 2167. An act for the relief of Sarah E. Edge;
H. R. 2464. An act for the relief of Paul A. Hodapp;
H. R. 2645. An act for the relief of Homer Elmer Cox;
H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;
H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;
H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);
H. R. 3222. An act for the relief of the State of Vermont;
H. R. 3431. An act for the relief of Charles H. Young;
H. R. 3441. An act for the relief of Meta S. Wilkinson;
H. R. 3732. An act for the relief of Fernando Montilla;
H. R. 5113. An act for the relief of Sylvester J. Easlick;
H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;
H. R. 5526. An act for the relief of Fred S. Thompson;
H. R. 5872. An act for the relief of Ray Wilson;
H. R. 5962. An act for the relief of R. E. Marshall;
H. R. 6209. An act for the relief of Dalton G. Miller;
H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;
H. R. 6243. An act for the relief of A. E. Bickley;
H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;
H. R. 6268. An act for the relief of Thomas J. Parker;
H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;
H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);
H. R. 6416. An act for the relief of Myrtle M. Hitzing;
H. R. 6537. An act for the relief of Prentice O'Rear;
H. R. 6627. An act for the relief of A. C. Elmore;
H. R. 6663. An act for the relief of J. N. Lewis;
H. R. 6718. An act for the relief of Michael J. Bauman;
H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;
H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;
H. R. 7013. An act for the relief of Howard Perry;
H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;
H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;
H. R. 7068. An act for the relief of Fred Schwarz, jr.;
H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;
H. R. 7664. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;
H. R. 8347. An act for the relief of the Palmer Fish Co.;
H. R. 8393. An act to authorize the Court of Claims to correct an error in the claim of Charles G. Mettler;
H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;
H. R. 9246. An act to reimburse Lieut. Col. Frank J. Killilea;
H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland;
H. R. 9990. An act for the rehabilitation of the Bitter Root Irrigation Project, Montana;
H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;
H. R. 10461. An act authorizing Royce Kershaw, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry, about 8 miles southwest of Gadsden, in Etowah County, Ala.;
H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;
H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries;
H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes";
H. R. 11477. An act for the relief of Clifford J. Turner;
H. R. 11493. An act to reimburse Lieut. Col. Charles F. Sargent;
H. R. 11515. An act to provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala., and for the acquisition of new sites and construction of Government buildings thereon in such cities;
H. R. 12099. An act to apply the pension laws to the Coast Guard;.
H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims;
H. R. 12586. An act granting an increase of pension to Josefa T. Philips;
H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas near Fort Lynn;
H. R. 12842. An act to create an additional judge for the southern district of Florida;
H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale;
H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and
H. J. Res. 322. Joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans;*
S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida;
S. 3068. An act to amend section 355 of the Revised Statutes;
S. 3623. An act for reimbursement of James R. Sheffield, formerly American ambassador to Mexico City;
S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924; and
S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 730) entitled "An act to amend section 8 of the act entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,' approved June 30, 1906, as amended."

LEASE OF OIL AND GAS DEPOSITS

The next business on the Consent Calendar was the bill (H. R. 12811) to amend sections 17 and 27 of the general leasing act of February 25, 1920, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not think this bill should be on the Consent Calendar. I am wondering if the gentleman would consent to the bill going over without prejudice?

Mr. COLTON. Of course, if the gentleman insists, I will.

Mr. COLLINS. This permits consolidation and cooperation among oil companies and changes our entire policy, and certainly should not be considered in this manner.

Mr. CRAMTON. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. CRAMTON. I am not disposed to argue with the gentleman, and am frank to say that I know very little about the bill except that I have discussed it with Dr. George Otis Smith, head of the Geological Survey. He is a man of long experience, in whom I have great confidence. Doctor Smith says it is important that this legislation be passed, and that it is very desirable legislation.

Mr. COLLINS. I am grateful to the gentleman for this information; however, I shall have to have further time to consider the bill, so wish it to go over without prejudice.

Mr. SCHAFER of Wisconsin. Regular order, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

CLERICAL ASSISTANCE TO CLERKS OF STATE COURTS EXERCISING NATURALIZATION JURISDICTION

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 715, the first bill considered to-day. The gentleman from New York [Mr. DICKSTEIN] has consented to withdraw his objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill, H. R. 12740, relating to clerical assistance to clerks of State courts exercising naturalization jurisdiction was objected to, and ask that the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FINAL ENROLLMENT OF INDIANS OF KLAMATH INDIAN RESERVATION, OREG.

The next business on the Consent Calendar was the bill (S. 3156) providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that that bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATURALIZATION LAWS IN RESPECT OF RESIDENCE REQUIREMENTS

The next business on the Consent Calendar was the bill (H. R. 12487) to amend the naturalization laws in respect of residence requirements, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill is too broad. I believe it would permit the naturalization of an alien who has spent little or no time in the United States. If such person returned to the United States and could show he was in the employ of the Government—for instance, as a messenger in one of our embassies—he could be naturalized. The second section is too broad. Section 1, which provides that if a resident leaves the United States and goes abroad on a scientific expedition he may return, but must establish that fact before he leaves the country. There is no serious objection to that.

Mr. CABLE. I am inclined to agree with the gentleman from New York that the second section is too broad, and should be restricted to the particular case which the committee had in mind.

Mr. LAGUARDIA. What was that particular case?

Mr. CABLE. That was the case of Bernt Balchen, who was a pilot on the Byrd expedition.

Mr. LAGUARDIA. I will say to the gentleman that Bernt Balchen is without doubt one of the outstanding aviators of the world, and I am not taking in too much territory. Bernt Balchen was with the Byrd expedition; and if the gentleman will so amend section 2 as to make it apply to Bernt Balchen alone, I certainly shall not object.

Mr. DICKSTEIN. I do not see why we should pick out a single case and not make it apply to others.

Mr. LAGUARDIA. It would be a distinct acquisition to have Bernt Balchen a citizen of this country.

Mr. DICKSTEIN. That is true; but there are a number of others who may have that distinction and ought to have the same consideration. I think the best policy would be to have this bill passed over without prejudice.

Mr. CABLE. The gentleman from New York [Mr. BLOOM] requested me to call up the bill, and he had in mind the particular case of Bernt Balchen, who was with the Byrd Antarctic expedition.

Mr. DICKSTEIN. If the gentleman has that authority from the gentleman from New York [Mr. BLOOM], I have no objection.

Mr. CABLE. I have no authority to amend the section, but the gentleman from New York requested me to call up the bill.

Mr. CRAMTON. Mr. Speaker, in the interest of other bills on the calendar, I ask unanimous consent that this bill go over without prejudice. We have been working a little over an hour and have not passed a bill as yet. I think it is desirable to know what the amendment is to be.

Mr. LAGUARDIA. It will not take long to prepare such an amendment.

Mr. CABLE. I would like to read the amendment.

Mr. JENKINS. If the gentleman's amendment means the passage of legislation for one man, I shall object.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

INTERNATIONAL CONFERENCE ON THE UNIFICATION OF BUOYAGE AND LIGHTING OF COASTS

The next business on the Consent Calendar was House Joint Resolution 321, to authorize an appropriation of $4,500 for the expenses of participation by the United States in an International Conference on the Unification of Buoyage and Lighting of Coasts, Lisbon, 1930.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That for the purpose of defraying the expenses of participation of the Government of the United States by means of delegates to be appointed by the President in the International Conference on the Unification of Buoyage and Lighting of Coasts to be held in Lisbon, beginning October 6, 1930, an appropriation in the sum of $4,500, or so much thereof as may be necessary, is hereby authorized for travel expenses, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing and binding, compensation of employees, rent, official cards, entertainment, and such other expenses as the President shall deem proper.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

PAPAGO INDIANS

The next business on the Consent Calendar was the bill (S. 2231) to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am in sympathy with the purposes of the bill but want to suggest an amendment.

Mr. STAFFORD. Before we come to that stage may I make an inquiry?

Mr. CRAMTON. I think I might as well complete my statement. It will be very brief.

Mr. STAFFORD. The bill may not reach the amendment stage.

Mr. CRAMTON. Let the amendment be considered. On page 2, line 25, after the word "hereof," insert the words—

No part of said amount to be available unless all the privately owned lands within said addition shall be acquired for not more than said amount.

So we will not be in the position of spending $165,000 and then finding we have only acquired half the lands and must spend another $165,000.

Mr. LEAVITT. There is no objection to that amendment on the part of the committee.

Mr. CRAMTON. With that amendment I think it is a good bill and ought to pass.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice that in the phrasing of the bill the lands to be acquired are to be subject to disposal under the mining laws. Are we going to purchase some lands from private parties, lands included within an Indian reservation, and then allow them to be subject to exploration under the mining laws?

Mr. LEAVITT. An agreement was reached that nothing ought to be done that would put an end to the development of those areas which are now under legitimate mining operations. Of course, this does not apply to the oil leasing law. It has to do merely with mining.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PILLAGER BANDS OF CHIPPEWA INDIANS

The next business on the Consent Calendar was the bill (S. 4051) authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

PAYMENT OF CERTAIN CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

The next business on the Consent Calendar was House Joint Resolution 303, to amend Public Resolution No. 80, Seventieth Congress, second session, relating to payment of certain claims of grain elevators and grain firms.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That Public Resolution No. 80 (70th Cong.), authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, approved February 4, 1929, be, and the same is hereby, amended by adding thereto the following:

": *Provided,* That the settlement and adjustment of such claims shall be based solely upon the weekly reports made and filed with the Grain Corporation by such claimants in accordance with their contracts, and in such connection it shall be taken as the fact that all conditions to authorize payments of interest and insurance were duly met by claimants other than in cases where proofs filed by claimants with the Grain Corporation disclose the facts to be otherwise."

With the following committee amendments:

Page 1, line 8, after the figures "80" insert "approved February 4, 1929."

On page 2, line 8, after the word "filed" insert the words "during the year 1919–20."

The committee amendments were agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed,

A motion to reconsider the vote by which the resolution was passed was laid on the table.

BRIDGE ACROSS THE LITTLE CALUMET RIVER ON ONE HUNDRED AND FIFTY-NINTH STREET IN COOK COUNTY, ILL.

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent to turn to calendar No. 740, the bill (H. R. 12993) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a free highway bridge across the Little Calumet River on One hundred and fifty-ninth Street in Cook County, State of Illinois.

This bridge is to be in my district, and it is very necessary we get prompt action.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted the State of Illinois to construct, maintain, and operate a free highway bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, on One hundred and fifty-ninth Street, between sections 13 and 24, township 36 north, range 14 east, third principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 7, strike out the word "on," and insert in lieu thereof the word "at."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

The title was amended.

REPAYMENT OF RENTS AND ROYALTIES UNDER THE GENERAL LEASING ACT

The next business on the Consent Calendar was the bill (S. 4164) authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ARENTZ. Will the gentleman withhold his request?

Mr. SCHAFER of Wisconsin. I withhold it.

Mr. ARENTZ. If you should happen to pay a certain number of fees into the Land Office as a homesteader you could get that refunded if your homestead were not given you. If you paid excess fees because you happened to have an oil lease or a mineral lease the Treasury would not pay that money back. It seems to me inconsistent. This bill merely provides for the repayment of excess payments.

Mr. SCHAFER of Wisconsin. Why did they make these excess payments?

Mr. ARENTZ. Because they could not help it, any more than if you were a homesteader and under certain conditions you paid more than you should have paid. Under the ruling of the Comptroller General it is stated he has nothing to do with it because the Attorney General has specified certain conditions that must be met. The letter of the Secretary of the Interior states:

Under the comptroller's decision the department is obliged to deny applications for repayment of excess rents and royalties which would otherwise be granted.

Then it is also stated in the report:

The repayment laws are in such broad terms that they cover all cases of excess payments under the public land laws, including homestead laws, preemption laws, town site laws, timber and stone laws, desert land laws, and even mineral land laws under which there is authorized an alienation of the land by patent or its equivalent.

But in these cases when title is not given the excess payments are not returned and it seems to me this is not right.

Mr. SCHAFER of Wisconsin. Then it is necessary to enact this bill to meet a technical objection of the Comptroller General?

Mr. ARENTZ. To meet a technical objection of the Comptroller General and nothing more.

Mr. SCHAFER of Wisconsin. In view of the statement made by the gentleman, I withdraw my request.

The SPEAKER pro tempore (Mr. LUCE). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved December 11, 1919 (41 Stat. L. 366), entitled "An act to amend an act approved March 26, 1908, entitled 'An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws,'" is hereby made applicable to all payments in excess of lawful requirements made under the act of Congress approved February 25, 1920 (41 Stat. L. 437), and under any statute relating to the sale, entry, lease, or other disposition of the public lands.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAYMENT OF CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA FOR MARCH 4, 1929

The next business on the Consent Calendar was the joint resolution (S. J. Res. 24) for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the employees of the United States Government in the District of Columbia and the employees of the District of Columbia who come within the provisions of the act approved June 18, 1888, and who, under the provisions of said act, were excused from work on Monday, March 4, 1929, a holiday, shall be entitled to pay for said holiday.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PROCEEDINGS OF THE NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC, UNITED SPANISH WAR VETERANS, ETC.

The next business on the Consent Calendar was the joint resolution (H. J. Res. 250) to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, did we not pass two separate resolutions yesterday covering this matter?

Mr. KVALE. I think we did.

Mr. STAFFORD. As I recall, that only related to the publication of one organization. I am not certain whether it was the Disabled American Veterans of the World War or not.

Mr. JENKINS. I think that is what it was.

Mr. LaGUARDIA. I understand the others are provided for by permanent law.

Mr. STAFFORD. I think it would be better, as a matter of safety, to have this joint resolution passed over without prejudice.

Mr. COLLINS. I ask unanimous consent that the joint resolution may go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WALKER RIVER INDIAN RESERVATION

Mr. ARENTZ. Mr. Speaker, I have had a discussion with the gentleman from Michigan with regard to the bill H. R. 5057, No. 457 on the calendar, and because I have received assurance of allocation of some funds from a supplemental fund for the construction of roads of $12,500 I ask unanimous consent that the bill H. R. 5057 may be stricken from the calendar and laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

COPYRIGHT REGISTRATION OF DESIGNS

The next business on the Consent Calendar was the bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD, Mr. RAMSPECK, and Mr. CHALMERS objected.

PAYMENT FOR CERTAIN LANDS TO THE UINTAH AND UNCOMPAHGRE BANDS OF UTE INDIANS

The next business on the Consent Calendar was the bill (S. 615) authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

It was so ordered.

GOVERNMENT ISLAND, CALIF.

The next business on the Consent Calendar was H. J. Res. 372, authorizing the President of the United States to accept on behalf of the United States a conveyance of certain lands on Government Island from the city of Alameda, Calif., in consideration of the relinquishment by the United States of all its rights and interest under a lease of such island dated July 5, 1918.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the President is hereby authorized to accept on behalf of the United States, free and clear of all encumbrances and without cost to the United States but subject otherwise to the provisions of section 355 of the Revised Statutes, title in fee simple to 15 or more acres of land above the low-water mark forming a part of what is known as Government Island offered by the city of Alameda, Calif. In consideration thereof the United States shall relinquish all its rights and interests in said Government Island now held by it under a lease for a term of 25 years from said city dated July 5, 1918. Such lease shall be automatically terminated upon the acceptance of a conveyance of such lands by the President.

SEC. 2. The President is authorized to permit the lands conveyed to the United States pursuant to this resolution to be used for such Government purposes as he may deem advisable.

With the following committee amendment:

On page 2, line 7, after the word "President," insert the following proviso:

"*Provided*, That a setback line of 200 feet be observed along the southern water front, parallel with the channel to allow widening of the channel at this or some future time, by the Government or other parties, and that the Government have access and free use between that portion deeded and the deep water front: *Provided further*, That the establishment by legislation of this setback area is not intended to in any wise restrict the officers in control of navigation in the exercise of all discretion or other authority granted by Congress under the commerce clause of the Constitution that is deemed necessary to improve this harbor or the navigable capacity of the estuary."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ACQUISITION OF CERTAIN TIMBERLANDS IN THE STATE OF OREGON

The next business on the Consent Calendar was the bill (S. 3557) to provide for the acquisition of certain timberlands and the sale thereof to the State of Oregon for recreational and scenic purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object——

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. CRAMTON. Reserving the right to object, which I shall not do, this includes action by the Interior Department. There is no report from that department, and I suggest to the gentleman that before the bill comes up again he secure a report from the Interior Department.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

EXTENDING THE PROVISIONS OF THE FOREST EXCHANGE ACT

The next business on the Consent Calendar was the bill (H. R. 12801) to extend the provisions of the forest exchange act to public lands within 10 miles of the boundaries of the Whitman National Forest in the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object.

Mr. STAFFORD. Mr. Speaker, I notice that the letter from the Secretary of the Interior says that consideration of this bill should be deferred to await the determination of the policy of the President's committee to study and report to Congress on the conservation and administration of the public domain.

Mr. CRAMTON. Mr. Speaker, in the interest of the conservation of time, as I intend to object to this bill eventually, I might as well do it now and give the other bills a chance.

Mr. BUTLER. I sincerely hope the gentleman will not make the objection. This is desired very much by the Department of Agriculture.

Mr. CRAMTON. The Department of Agriculture is for any bill which will transfer land to its jurisdiction, but when you want to take a few lands from its jurisdiction and transfer them to another department, you can never get a definite committal. Several bills have been on the calendar as to lands to be added to national parks, and a report from the department comes in and tells you nothing that binds them. We are passing them, and we hope they are going to consent, because the lands are needed for parks. I am obliged to object to this bill.

MENOMINEE TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8812) authorizing the Menominee Tribe of Indians to employ general attorneys.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER pro tempore. This requires three objections. The Chair hears only one.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. COLLINS. Mr. Speaker, I object.

Mr. BROWNE. Mr. Speaker, I will ask the gentlemen to withhold their objections for a couple of minutes.

Mr. CRAMTON. Mr. Speaker, I am willing to withhold my objection for two minutes, but I do not think we ought to have a long discussion.

Mr. BROWNE. I think the gentlemen ought to hold their judgment in abeyance and give me two or three minutes uninterrupted to explain the bill. The other day I was interrupted, and I did not have an opportunity to explain it. Mr. Speaker, I ask unanimous consent to proceed for three minutes on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Speaker, all this bill provides is that the Menominee Indians located in my district, whom I have known and with whom I have been familiar for 25 years, have the privilege of hiring attorneys to represent them and to pay those attorneys out of their own money in the Treasury of the United States. There have been delegates down here, three of them, this winter and they have explained their case to the Secretary of the Interior. They have valuable claims against the United States that they want to present. They can not prove a prima facie case so that they will be allowed to go to the Court of Claims without getting lawyers to prepare their claims. All they ask is that they shall have the right under the direction of the Commissioner of Indian Affairs and the Interior Department to employ lawyers for not to exceed two years, and the bill fixes the pay at not to exceed $6,000 the first year, and the same amount if the attorneys are employed the second year, and all the time they are working these attorneys will be under the direction of the Secretary of the Interior.

Mr. HASTINGS. How long is the contract for?

Mr. BROWNE. Two years, not to exceed two years, and only then upon the direction of the Secretary of the Interior. They have consulted the law firm of Hughes & Dwight, of New York. They have valuable rights that may be lost by delay. I can not conceive of a corporation having property worth thirty or forty million dollars, as these Indians have, who would not think it very important to consult and employ an attorney. All of the attorneys that they can consult are the Goverment attorneys in the Indian Department, and they think they are against them because their claims are against the Government. The Indians want to consult the best lawyers in the country. It would not amount to over $10 apiece to those 2,000 Indians if they employed these attorneys for two years and paid for preparing their cases for trial.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. PATTERSON. I notice here that this is only $6,000 a year, and it is to be paid out of their own funds.

Mr. BROWNE. Yes.

Mr. PATTERSON. And they do not have an attorney to represent them now?

Mr. BROWNE. They do not have a single attorney. They have valuable water-power rights. People desire to negotiate with them concerning the same. Notices have been filed before the Power Commission by certain corporations asking the right to develop this water power. These Indians can not come down to Washington to look after their affairs without getting permission of the Indian Department, and being allowed to spend their own money for expenses. They can not even send a delegate here, and yet the Menonomie Tribe of Indians is worth a sufficient amount of money at a fair valuation of their property to give every man, woman, and child from ten to fifteen thousand dollars.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this would be merely a waste of $20,000 of Indian funds. The bureau says:

> It has also been suggested that in lieu of incorporation it might be advisable to consider turning over to a reputable trust company the undisposed of tribal assets belonging to the Indian tribe for the purpose of enabling such trust company to administer these tribal assets for the benefit of the Indians.

I do not want Congress committed in any way to turning over its job as guardian of the Indians to any trust company for the administration of their affairs. In view of that report, I am obliged to object.

Mr. BROWNE. They have a large sawmill there, and they want to know how to conduct that business in an efficient way.

Mr. CRAMTON. It is being well administered now.

Mr. BROWNE. The gentleman probably knows more about it than I do, who have lived within 40 miles of them all my lifetime.

Mr. CRAMTON. I know some uplifters have been trying to get hold of this industry for a long time.

Mr. BROWNE. I give the gentleman credit for having great knowledge of the District of Columbia, and I follow him, and I think I am rather modest in saying that I know about as much about these Indians as the gentleman. I am acquainted with their reservation and have been for more than 25 years.

The SPEAKER pro tempore. This bill requires three objections. Are there three objections to the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. JENKINS. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair hears only two objections. The Chair understood that all three objections had been withdrawn at the request of the gentleman from Wisconsin.

Mr. CRAMTON. No; not at all. We gave the gentleman an opportunity to make his statement. There were three objections made.

The SPEAKER pro tempore. Three objections were made, and the gentleman from Wisconsin asked unanimous consent to make a statement. The Chair understood that the objections had been temporarily withdrawn. He now asks if they are to be renewed. Are there now three objections to the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. JENKINS. Mr. Speaker, I object.

The SPEAKER pro tempore. Three objections are heard, and the Clerk will report the next bill.

H. W. BENNETT, A BRITISH SUBJECT

The next business on the Consent Calendar was the bill (H. R. 9702) authorizing the payment of an indemnity to the British Government on account of losses sustained by H. W. Bennett, a British subject, in connection with the rescue of the survivors of the U. S. S. *Cherokee*.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, how is this bill on the Consent Calendar? Is it not a private bill. I do not believe this bill belongs on this calendar. I think it is a private bill. I make the point of order that this bill is not in order on the Consent Calendar. It should be on the Private Calendar.

The SPEAKER pro tempore (Mr. LUCE). The gentleman from New York makes the point of order that this bill is not in order on the Consent Calendar. This bill authorizes the payment of an indemnity to the British Government. The Chair overrules the point of order.

Mr. LAGUARDIA. Will the Speaker please examine the bill? As I read it, the bill pays H. W. Bennett, a British subject, in connection with the rescue of the survivors of the U. S. S. *Cherokee*. I shall not object to the bill, but if we are going to put private bills on this calendar I am going to object.

Mr. PATTERSON. The bill provides that the money is to be paid to the British Government.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from New York to the fact that the title of the bill is "A bill for the payment of an indemnity to the British Government." The Chair overrules the point of order. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. I object to the consideration of the bill.

The SPEAKER pro tempore. Objection is heard.

COMPENSATION OF CERTAIN EMPLOYEES IN THE CUSTOMS SERVICE

The next business on the Consent Calendar was the bill (H. R. 12742) to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to have some one acquainted with the facts make some explanation of the bill. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER, AT FLORENCE, NEBR.

The next business on the Consent Calendar was the bill (H. R. 11136) authorizing the Florence Bridge Co., its successors and assigns, to construct, maintain, and operate a toll bridge across the Missouri River at Florence, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I reserve the right to object, Mr. Speaker.

Mr. STAFFORD. The bill provides for a toll bridge at Florence, Nebr. Whether it connects with Council Bluffs I do not know.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. SEARS. That bill is like the other bridge bills.

Mr. LAGUARDIA. Have you an amortization provision in here as to recapture? Yes; I see you have, Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk began the reading of the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Florence Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Florence, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The remainder of the bill reads as follows:

SEC. 2. There is hereby conferred upon the Florence Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Florence Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Florence Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Nebraska and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Florence Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Florence Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT POPLAR, MONT.

The next business on the Consent Calendar was the bill (H. R. 12844) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Poplar, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

With a committee amendment as follows:

Page 2, line 3, add a new section, as follows:

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSOURI RIVER, CULBERTSON, MONT.

The next business on the Consent Calendar was the bill (H. R. 12920) granting the consent of Congress to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain and operate a free highway bridge across the Missouri River at or near Culbertson, Mont.

The title of the bill was read.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana and the counties of Roosevelt and Richland, or any of them, to construct, maintain, and operate a free highway

bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Culbertson, Mont., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COAST GUARD STATION ON COAST OF FLORIDA, LAKE WORTH INLET

The next business on the Consent Calendar was the bill (H. R. 7119) to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Reserving the right to object, I notice that this bill carries an adverse report.

Mr. CRAMTON. If the gentleman will yield, I have noted that. I know something of the situation as to construction in the Coast Guard, and hence I have an amendment to suggest.

The Coast Guard would like this station, but the Budget is against the program, and I know the program of construction in the Coast Guard is obligated for some little time in advance. I suggest an amendment at the end of the bill, to insert the following language:

And at such time as the construction program of the Coast Guard may permit.

That will authorize the project, but leaves it definitely to the future to determine when construction shall be undertaken, to determine the priority.

Mr. LAGUARDIA. Is it not a departure to provide in a bill that the station shall be constructed at such place as the commandant of the Coast Guard or some subordinate official of the department shall designate?

Mr. CRAMTON. I think not as to the Coast Guard. I know the commandant of the Coast Guard has a right to move one of the stations, because that order has been made in my district. This would give the commandant of the Coast Guard no more authority than he has generally.

Mr. HOCH. I think there is no one who would know so well the precise location that should be selected as the commandant of the Coast Guard.

Mr. LAGUARDIA. That is true; but does he not make his recommendations to Congress, and does not a committee of Congress take up the matter and decide it?

Mr. CRAMTON. Not at all. I have had an experience along this line, and that is why I am familiar with the construction program. The station near Port Huron, Mich., is upon the lake at a point where they can not, in time of storm, launch their boats. It has been desired for several years to locate the station down on the St. Clair River on land owned by the Government, but because their construction program did not permit, it has not been moved. It will be done next year. There was no action taken by Congress as to the removal.

Mr. LAGUARDIA. But the discretion of the commandant is limited to a certain locality?

Mr. CRAMTON. Of course.

Mr. JENKINS. Why would it not be proper to let this go over until the gentleman is convinced the time is right to construct the station?

Mr. CRAMTON. We have adopted a definite program in the Bureau of Fisheries and elsewhere for several years in advance. If this station is authorized by Congress, and it is apparent that it is desirable, then it will go on their construction program and they will give it the priority they feel it is entitled to. It may be reached next year, or it may be reached in four or five years, according to the importance which is attached to it and the money available.

Mr. JENKINS. What has the gentleman to say about the report made by the distinguished Secretary of the Treasury, than whom no greater has lived since Alexander Hamilton?

Mr. LAGUARDIA. I am not so sure about that.

Mr. CRAMTON. That report is based on the Budget, which objection, I am sure, would be overcome by the suggested amendment which I have proposed.

Mr. HOCH. I see no objection to the amendment proposed by the gentleman from Michigan. In fact, I think that is precisely what will happen without the amendment. This is simply an authorization, and there are authorizations for a number of Coast Guard stations. They are only reached as they can be reached under the building program, and then, of course, the matter will have to be presented to the Committee on Appropriations to demonstrate the need.

Mr. CRAMTON. I rather felt that as drawn, if it were authorized, knowing who represents that district in Congress, the lady from Florida [Mrs. OWEN], we would be compelled to appropriate for it about next session, but by the amendment I suggested I remove that probability and leave it to the Coast Guard to determine when it shall be built.

Mr. JENKINS. I had made up my mind fully to object to this bill, and the remarks of the gentleman from Michigan and the gentleman from Kansas have not convinced me, but I notice who the author of the bill is, and that has overwhelmed me, so I will not object.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, if the gentleman from Ohio has withdrawn his reservation——

Mr. CRAMTON. If the gentleman will yield, I understand the amendment I suggested is agreeable to the Congresswoman from Florida?

Mrs. OWEN. It is.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, I am quite surprised to find a recommendation for the building of another Coast Guard station, in view of the fact that there are many bills pending before the committee, many of them very meritorious, and the Coast Guard commandant has uniformly taken the position that the building program is so large that no more can be taken on. I also have been advised that the financial policy of the Government does not permit the incurring of any obligations for the building of any further stations at this time.

Mr. CRAMTON. The amendment I suggested takes care of that situation.

Mr. CHINDBLOM. I shall be happy if the committee will be good enough to report a bill which I have introduced, and I will accept the same amendment to that bill, which relates to a station at Waukegan, Ill., where it is badly needed.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object—and I believe I shall object—did I understand correctly that the Secretary of the Treasury opposes the passage of this bill?

Mr. CRAMTON. In a form which might have obligated the construction next year, but with my amendment construction is postponed until the construction program and the funds available will make it possible to go ahead with the work.

Mr. SCHAFER of Wisconsin. Why should this particular station be singled out at this time under a special act before they formulate a definite and complete construction program?

Mr. CRAMTON. This does not give it any priority. It simply adds it to their construction program, and it would seem to me that any other station which is approved by the service and meets with the approval of the committee might very well have consideration by the House.

Mr. LAGUARDIA. Will the gentleman from Michigan permit the gentlewoman from Florida to invoke her legislative appeal on the gentleman from Wisconsin?

Mr. CRAMTON. I hope she will.

Mrs. OWEN. Will the gentleman from Wisconsin permit me to make an explanation?

Mr. SCHAFER of Wisconsin. I am reserving the right to object because I have not up to this moment been able to ascertain why we should single out this specific proposed Coast Guard station and pass this bill on the Consent Calendar. I desire to obtain some definite facts indicating why this bill should be passed, notwithstanding the fact that the Secretary of the Treasury has adversely reported on it.

Mrs. OWEN. Will the gentleman from Wisconsin permit me to point out why I feel this bill to be meritorious?

Mr. SCHAFER of Wisconsin. Yes.

Mrs. OWEN. In the report of the Secretary of the Treasury it is plainly set out that he approves and finds a real necessity for the establishment of this Coast Guard station. It is pointed out in the report that 300 fishing boats use this inlet; that more than 1,000 men are employed in the fisheries; that 75 lives were lost by drowning between February, 1921, and February, 1930, within 10 miles of this inlet; that the sum of a million and a quarter dollars is represented annually in the income derived from the fisheries at this point; that the Secretary of the Treasury feels it to be advisable and desirable to establish this Coast Guard station but that funds are not now available.

May I point out that the amendment to be offered by the gentleman from Michigan merely places this station on the calendar for construction at such time as the funds are available?

Mr. SCHAFER of Wisconsin. Would the passage of the pending bill give this particular Coast Guard station a preference

over all others which have had the consideration of the department for some months?

Mr. CRAMTON. Not at all.

Mr. HOCH. If the gentleman will yield to me, the gentleman, I think, is entirely mistaken. This does not give any preference at all, and this is the usual procedure. We have from time to time authorized the establishment of Coast Guard stations, and I might say that in this particular case my judgment is that the showing as to the necessity for this station was as strong as the showing made for any station since I have been upon the committee. I might say to the gentleman that there is another bill pending for the establishment of a station in Florida waters which the committee did not favorably report because the committee did not believe it made a sufficient showing to warrant a favorable report at this time.

Mr. SCHAFER of Wisconsin. How far is the proposed station from an existing station?

Mr. HOCH. If the gentleman will read the report, he will see the great need for this station.

Mr. SCHAFER of Wisconsin. I imagine that if we would look into all of the facts, in addition to the necessity for this Coast Guard station to assist in the saving of lives, we would find there is an urgent necessity from the department's standpoint in order to enforce the prohibition laws, and it is another example of the excessive expenditure of the people's money by reason of the sumptuary Federal prohibition laws. I shall not object, merely hoping that in the near future the American people will realize the expense and viciousness of these dry laws and demand and compel their repeal. [Applause.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet, in such locality as the captain commandant of the Coast Guard may recommend.

With the following committee amendment:

In line 6, strike out the word "captain."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: In line 7, after the word "recommend," strike out the comma and insert: "and at such time as the construction program of the Coast Guard may permit."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ERECTION OF STRUCTURES ON POTOMAC RIVER ADJACENT TO PROPOSED GEORGE WASHINGTON MEMORIAL PARKWAY IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the joint resolution (S. J. Res. 182) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead or other structure on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

Mr. CRAMTON. Mr. Speaker, I regret that I am obliged to object to that.

Mr. MOORE of Virginia. Then I object to the joint resolution.

APPOINTMENT OF ADDITIONAL JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

The next business on the Consent Calendar was the bill (H. R. 11623) to provide for the appointment of an additional district judge for the southern district of Texas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as has been customary in respect of these judgeship bills, I have sought information from the author of the bill and particularly the gentleman from West Virginia [Mr. BACHMANN], who has been instrumental in a survey of conditions in the respective districts. As to the exigency of the demand for an additional judge in the southern district of Texas, I note from the report of the Attorney General for last year that there were 108 private cases begun.

Mr. BACHMANN. One hundred and thirty-six, if I may correct the gentleman.

Mr. STAFFORD. One hundred and eight cases, other than admiralty cases, and 26 admiralty cases. There were disposed of 110 private suits, other than admiralty, and 31 admiralty cases. At the close of business there were but 88 cases pending, other than admiralty, and 25 admiralty cases.

The report of business in this case is about the weakest of any that has been brought up for consideration with respect to an additional judge.

Mr. CRAMTON. If the gentleman will yield, I think the gentleman from Wisconsin has overlooked the very persuasive telegram from Circuit Judge Walker, in which he says, "Think additional judge needed." This is so emphatic a telegram I do not know what stronger evidence my friend would want, if I have the right bill before me.

Mr. BACHMANN. That is the right bill.

Mr. CRAMTON. The report carries a telegram from Circuit Judge Walker, of the circuit court of appeals. He was asked by the Attorney General about the need of an additional judge and said, "Think additional judge needed in southern district of Texas." The circuit judge is not sure one is needed, but he "thinks" so.

Mr. STAFFORD. Perhaps that is very convincing language from this judge. Is the gentleman acquainted with this judge?

Mr. CRAMTON. He may be a conservative.

Mr. GARNER. Let me say to the gentleman, if I may, that there have been so many people coming from Michigan and Wisconsin and Minnesota and other States down into that country that they have increased our business down there both in civil and criminal cases.

Mr. CRAMTON. Is there a chance of a Hoover Democrat from Texas becoming the judge?

Mr. GARNER. Just a moment. For instance, the district I happen to represent at the moment only had a population of about 220,000 in 1920.

Mr. CRAMTON. Is there a good Hoover Democrat who could be appointed?

Mr. GARNER (continuing). It has over 450,000 at the present time. These people have come from Michigan, Minnesota, Wisconsin, and other States, and they now need this additional judge.

Mr. STAFFORD. I wish to ask the gentleman from Texas a question, because he has first-hand information about conditions here. I have no acquaintance with the district comprising the southern district of Texas. Are there any large cities within the boundaries of the southern district?

Mr. GARNER. Not very large; about 300,000 at Houston and some 60,000 or 70,000 at Galveston.

Mr. STAFFORD. This is the district comprising the territory along the coast.

Mr. GARNER. Yes.

Mr. STAFFORD. Where private business is developing more rapidly than in the agricultural districts; and I notice that they have admiralty jurisdiction in addition. I have not interposed any objection to additional judges where there are large, growing cities which develop considerable litigation.

Mr. BRIGGS. I may say to the gentleman from Wisconsin that the business is extremely heavy in this district.

Mr. BACHMANN. I want to add to what the gentleman from Texas [Mr. GARNER] has said about the increase in business. The business of the southern district has increased from 1,007 cases in 1926 to 1,688 cases in 1929.

Mr. STAFFORD. As I stated on yesterday, the yardstick which which I measure the need of additional judges is the private business and not the little departmental business or the bankruptcy cases, which are of minor importance.

Mr. BACHMANN. The private business has also very largely increased.

Mr. STAFFORD. I have no objection, and I withdraw the reservation of objection.

Mr. CRAMTON. Reserving the right to object, and I am hoping I shall not have to object, I am hoping a good Hoover Democrat may get this position.

Mr. GARNER. Let me say to the gentleman that my suspicions are that in case this bill passes, for which I think there is some necessity, one of the best lawyers in Texas or anywhere else in the United States will be appointed judge.

Mr. CRAMTON. Now, if the gentleman will give me one more consolation and withdraw any suggestion that the people from Michigan who have gone to Texas to make the State more glorious, contribute to the disorder, and increase legal business——

Mr. STAFFORD. Oh, the conditions in Texas near the Mexican border are the same as those on the border near the Detroit River.

Mr. CRAMTON. But we do not blame that on people coming from Texas. [Laughter.]

Mr. SCHAFER of Wisconsin. Reserving the right to object, I want to ask the gentleman from Texas whether he believes that if we pass this bill for an additional judge it may have a good effect with reference to creating a respect for law in the State of Texas? There does not seem to be much respect for the law there now. They burn citizens in courthouses and lynch them without a trial in Texas. Does the gentleman believe that if we help to clean up the court calendars by providing an additional judge it may create respect for law in the State of Texas?

Mr. GARNER. I think it would help to maintain law and order.

Mr. COLLINS. The regular order!

Mr. SCHAFER of Wisconsin. Further reserving the right to object——

The SPEAKER. The regular order is called for.

Mr. SCHAFER of Wisconsin. If the regular order is called for, I shall be forced to object.

Mr. COLLINS. I withdraw the demand for the regular order. [Laughter.]

Mr. SCHAFER of Wisconsin. I will advise the gentleman that I believe this bill is another sample of the cost of prohibition. I have obtained the police statistics from 25 of the largest cities in the State of Texas, and they show that drunks and drunken vehicle drivers have increased in leaps and bounds under the eighteenth amendment—a product of that State. The eighteenth amendment and laws enacted thereunder have caused most of the present congestion in the Federal courts in the State of Texas.

I shall withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Southern District of Texas.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FLOOD CONTROL ON THE WABASH AND WHITE RIVERS

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on flood control on the Wabash and White Rivers in Indiana, and to include a letter from the chief engineer on the progress that has been made in the survey and engineering work, and include some remarks that I made previously on the question.

The SPEAKER. Without objection, leave is granted.

Mr. GREENWOOD. Mr. Speaker, in these closing days of Congress I take this opportunity to again call the attention of my colleagues to the urgent necessity for Federal aid in controlling the extreme floods along the Wabash and White Rivers. Indiana and Illinois bear the brunt of these constantly reoccurring overflows. However, they are such a contributing factor to the floods on the lower Ohio and Mississippi Rivers that the problem is interstate and eventually must be accepted as national projects.

When the Mississippi flood control bill was before the House I gave it my most enthusiastic support. The assistance that I rendered, with my colleagues from territory along the tributaries of the Mississippi, in obtaining appropriations for surveys of the tributaries, was a distinct service to the country. This great river system of our Central and Southern States will have to be treated by the Federal Government as one great system. It is now so considered and being improved for inland navigation. National conservation by flood control is even more important.

Under this Mississippi flood control bill, which is now the law, funds have been allotted to the various tributaries for complete surveys. Under the War Department, through the offices of the chief and district engineers, already much surveying and engineering work has been accomplished. For the purpose of knowing and conveying this information to those interested, I recently called upon the office of the Chief of Engineers for a report. In reply I received a letter, which I now extend in these remarks:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, June 16, 1930.

Hon. ARTHUR H. GREENWOOD,
House of Representatives, Washington, D. C.

MY DEAR MR. GREENWOOD: 1. In response to your telephonic request of June 14, 1930, for information in regard to the status of the survey of the Wabash River and its tributaries, with a view to improvement for navigation in combination with power development, flood control, and irrigation, I have to advise you as follows:

2. A preliminary report on the investigation was submitted in January, 1929, and was favorably acted upon and a project study authorized. The work is being done by the district engineer at Louisville, Ky. The sum of $305,000 has been allotted to date for this study, and the expenditures and obligations to April 30, 1930, were $103,932.68. In addition to the contractors' forces, the district engineer has 14 engineers and assistants engaged.

3. Sixteen gaging stations have been established, of which six are located on the Wabash River. A contract has been awarded for an aerial topographic survey of the Wabash River from Terre Haute to Logansport, Ind., and the West Fork of the White River from Shoals to Sparksville, Ind., approximately 350 square miles. On April 30 the contract was 98 per cent complete, the photography and ground-control work having been completed.

4. On June 18 bids are to be opened for an aerial survey of approximately 970 square miles of the Wabash, White, and Eel Rivers, Ind. The allotment of $200,000 recently made will be applied to this aerial survey, mapping, hydraulic investigations, and continued office studies.

5. It is expected that the final report on this survey will be submitted in January, 1931.

Very truly yours,

LYTLE BROWN,
Major General, Chief of Engineers.

It is my hope that the full and complete report may be filed by next January, as stated in the letter. Upon this report legislation will be proposed for the next session of Congress.

Those interested will also note in paragraph 4 of the letter from the Chief Engineer that $200,000 was recently allotted for the purpose of aerial surveys, mapping, hydraulic investigations, and office studies. This was a very liberal allotment and much larger than was received by other tributaries. It is believed from this study a system of dams and reservoirs may be found feasible that will not only impound and hold the flood waters in the upper reaches of the tributaries but will also develop power, water for utility purposes, and, perhaps, lakes for recreational comfort and enjoyment. It can certainly be claimed that the Federal Government is now in earnest about this flood-relief problem and is studying the details to develop a comprehensive plan. This plan will certainly include the straightening of the streams.

On January 30, 1930, I addressed the House of Representatives on the conditions of the recent flood upon these streams, and I am here inserting a portion of that speech:

The Wabash and White River Valleys have experienced many floods, but none more devastating and few, if any, accompanied by such widespread suffering and hardship. At many points this phenomenal overflow has risen above all former high-water marks. Levees that have withstood ordinary floods for years have been swept away. So widespread in expanse and unprecedented in volume, this inundation removes all hope of State and local government to control the flood waters of these rivers. To provide adequate and permanent relief the Federal Government must intervene.

* * * * * * *

Federal money spent to control floods in the Valley of the Wabash will be a great contribution toward relief from overflows on the main stem of the lower Mississippi.

The Wabash and White Rivers carry the rainfall of approximately 35,000 square miles of territory. Almost all of Indiana, a large section of eastern Illinois, and a small portion of western Ohio is drained by this system. The Wabash is 550 miles in length and each of the White Rivers almost one-half that length. Formerly the Wabash was navigable for 300 miles from its mouth and was connected by a canal with Lake Erie. To-day, with many, including the President, advocating a system of inland waterways, I can conceive the time, not far distant, when navigation from the great valley to the Lakes will again be established along this route of the Wabash, which engineers of that former day believed to be feasible.

Navigation, however, is not my theme here to-day. The emergency now compels us to press for Federal aid to control the extreme floods along the tributaries of the Mississippi. We feel that these tributary

projects must first be understood and controlled. Their solution will contribute to the solution of the flood problems on the main river.

Every river has its eccentricities. Floods arise from various contributing causes. Geographic location has much to do with overflows. The Middle West, as to climatic conditions, appears to be the battle ground of the elements. Heavy periodic rainfalls occur with sudden changes of the weather. The storms and blizzards from the Northwest and lake regions are merged in the Wabash and Ohio Valley with the warmer currents from the Atlantic and Gulf sections. The storms and changes of weather are often accompanied by snow and heavy rainfall. We are subject at certain seasons to heavy, sudden, and widespread precipitation. In 1913 we had a gigantic flood with Dayton, Ohio, as the storm center. Every year we have smaller ordinary overflows. This year, with increased volume, the center of devastation is around Vincennes. At other times it has been at other places in the Middle West.

Originally Indiana was heavily timbered. There were lagoons, shaded by vegetation, where surface water remained throughout the year. Nature had her own system of impounding and conserving her rainfall. This water was released slowly through sinuous streams. Because of its great fertility this black swamp land was reclaimed by dredging and drainage. Streams were straightened and the water, no longer retarded by timber and marshes, is now mobilized with speed and uncontrollable volume in the lower stretches of the main rivers.

Man can learn much from nature. Without claiming any special knowledge of engineering, nor having any desire to anticipate the survey now being made, I think there is merit in the system of flood control that will impound the water on the smaller streams. It would prove expensive, but has contributing factors which would compensate. Among these are electricity, water power, public utility in water and irrigation, navigation, timber, and recreational resources. Such treatment would be largely self-sustaining.

The straightening of the larger streams, building revetments, and constructing a levee system will in the present emergency bring great relief. We are therefore especially anxious that these surveys be completed with all possible speed. The emergency on the tributaries is great. The people in the flooded districts are deeply discouraged and are looking to the Congress for solution of the flood problems.

The Federal Government, through the War Department, has been sympathetic and active in the present emergency. Funds provided in the recent flood control bill have been used for relief work. Army airplanes have searched for refugees and have carried food, clothing, medicine, and physicians to those surrounded by water. There have been many heroic struggles to save every life. The Red Cross, that angel of mercy to humanity wherever distress is found, has been on the field administering to the flood victims. For all this assistance the people of flood districts are deeply grateful.

In the expenditure of Government funds I hope that too close a distinction is not drawn between "rescue" and "relief."

The people driven from their homes are not fully rescued from starvation and disease until the floods recede and they are restored to their homes. There will also be need for the expenditure for funds under the emergency clause of the recent act to repair broken levees. Many of these communities have lost so heavily that Federal aid will be needed for these repairs.

There are many narratives of individual heroism, hardship, and courage connected with the rescue work of this catastrophe. The city of Vincennes, although itself partly under water, has been the base of operations. Being somewhat familiar with floods, the citizens of this city and surrounding communities have made a valiant fight.

* * * * * * *

Mr. ARNOLD. Will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. ARNOLD. Has the gentleman received any estimate or does the gentleman know anything about the extent of the loss of life in this section of the valley?

Mr. GREENWOOD. I will say to the gentleman that they will be unable to check up the loss of life until the waters recede and they are able to make an examination of the homes that were occupied in these flooded areas. They only know about those they have rescued.

Mr. HASTINGS. Of course, a great many contract disease and die from exposure.

Mr. ARNOLD. I have noticed from press reports that these Army airplanes have been going about the flooded area viewing these marooned people, and they state that where there was formerly evidence of life, recently they can not discern any existing life, and it now looks as though there might be very serious loss of life.

Mr. GREENWOOD. That is true; but they can not tell whether the people have survived or have been rescued until they are able to land their planes and go to their former homes and ascertain the exact situation.

As the gentleman from Oklahoma says, of course, many die from disease or from exposure.

These newspaper accounts give us specific information as to the widespread calamity of this record-breaking overflow in my congressional district and surrounding territory. Because of several ice jams the water has been held to great depths in lakes and reservoirs that are still a menace. There are many places where the overflow is 20 feet in depth over farm lands. The Wabash River is reported to be 10 miles in width in several places. Many highways paved by contributions of Federal funds are submerged by the high waters.

The Congress will understand and visualize a valley, rich and fertile, dotted with farms under full cultivation, in the very heart of the Corn Belt, where fine cattle and hogs are fed for market. Dairying and poultry farming are successfully pursued. Around Decker, in Knox County, Ind., are the farms made famous by their cantaloupes. This flooded section of diversified farming is well improved and intensely cultivated. Floods cause immense damage to highly improved farms of this character.

Standing as a constant menace to this happy valley are the ever-recurring floods, which no local community can control. The same as upon other tributaries of the great Father of Waters, the floods of the Wabash and White Rivers are interstate in their magnitude. The distress, in proportion to the territory covered, is just as great, the destruction just as complete, the demand for Federal aid just as appealing as upon the larger streams.

There need be no speculation here as to the resources to be conserved. These lands are fertile and are now producing food, clothing, and other necessary commodities for the life of the Nation. There may be mountain regions that do not need this kind of relief. There are seaboard sections where Federal money has been expended upon ports and harbors. We have assisted arid parts with needed irrigation. The problem in this valley is too much water. It has potential value where it falls but becomes a menace when uncontrolled. To properly control these overflows is a task too great for a State. We must have the aid of the Federal Government.

We know that flood control on these tributaries will call for the expenditure of perhaps a billion dollars. But when figured in the lifetime of our Nation and the conservation of her resources, this will not be extravagant. With the conservation of these rich natural resources we are preparing for the future feeding, clothing, and housing of a nation which will likely have a population of from three to four hundred million souls. We want a happy, self-sustaining people. We can not, like the great empire of China, allow our great resources to be wasted by erosion and the very life and sustaining quality of our lands to be carried down into the sea. We will need our farm lands to produce food. We will want inland waterways for cheap exchange of commodities. These will be needed to serve a thickly populated and highly developed civilization of the coming era.

Out in the fertile valleys of the Middle West is the garden spot to produce our food. It has been termed the "bread basket of America." These alluvial valleys are far removed from seaboard attack. Here, in spite of war or turmoil, the fields, richly endowed by the Creator, will, if protected from floods, continuously and complacently respond to produce the food of the Nation. Here likewise is the market place for our ever-increasing output of manufacturing industries. Federal money spent for conservation in these valleys will yield a high return.

The soil, after all, is the foundation upon which a nation stands. A people can not endure that will not conserve her agricultural resources. I therefore come to you with this appeal, knowing that you appreciate its merit. The Congress of the United States is composed of men with a vision and a sympathy for great projects of human welfare. The challenge is to the whole Nation. I have confidence that Congress, after deliberation, will formulate a constructive policy that will provide flood control on the tributaries as well as on the main trunk of the Mississippi. It is a duty and should be a rare privilege to us to make our contribution to this end. [Applause.]

I have a few minutes remaining, and if anyone wishes to ask any questions, I will be pleased to answer them.

Mr. RAGON. The gentleman stated in his address that they had been utilizing airplanes to get supplies to the people who are marooned. Is that due to an ice condition that prevents the boats from going in there, as they would in normal times?

Mr. GREENWOOD. Yes. This is a very phenomenal flood, in that it is not only more extensive than the ordinary flood but when it was at its height the extreme zero weather came on and the whole surface of the water was frozen and the motor boats and skiffs and other small craft that ordinarily could reach these isolated homes could no longer be utilized.

Government airplanes had to be used in order to locate the homes where the people had not been rescued or relieved; and not only this, but they also carried food, clothing, and bed clothing and dropped them from the airplanes in bags in order to relieve the people in this isolated section—something that had never before happened in the valley.

Mr. RAGON. The same conditions, I will say to the gentleman from Indiana, existed in my State and in southeastern Missouri on the St. Francis River. They had a flood there this year that was 6 feet higher than the flood of 1927, and at the height of the flood the backwaters were frozen and the boats were unable to go in there. They had to use airplanes to drop food to the people who were marooned on the housetops and in the high places in order that they might live through the extreme cold weather.

Mr. GREENWOOD. Where there was the least bit of land above water that offered any opportunity at all for these Government pilots to land, they landed their planes and very often they were obliged to take off from a very perilous situation from some of these small islands, which was quite phenomenal.

Mr. DUNBAR. Will any of the editorials or news items which the gentleman will submit with his remarks give an account of the fact that scores and scores of miles of roads and highways, a number of miles away from the Ohio River and the White River, have been overflowed to the extent that the State highways commission was required to get out a list of more than 50 highways over which travel had been suspended?

Mr. GREENWOOD. I mentioned that in my address, but I am very glad to have that contribution from the gentleman from Indiana.

Mr. ELLIOTT. Will the gentleman yield?

Mr. GREENWOOD. Yes; I yield.

Mr. ELLIOTT. What is the condition of the flood on the Wabash River at this time; is it receding or not?

Mr. GREENWOOD. It is receding now, and the water would be within banks in most places were it not for these gigantic ice jams that are holding it back in pools and reservoirs in many places; and even after the water recedes there is a blanket of ice over this entire area of farm lands that only warmer weather can remove.

Mr. ELLIOTT. Are the people who are marooned among these hills and islands receiving food now?

Mr. GREENWOOD. They are receiving food from the Red Cross from different bases, especially one at Vincennes and one at Evansville, as well as at other places. The Red Cross and the local authorities are taking care of the relief work. Food, clothing, and medical relief has been furnished.

Mr. CANFIELD. Will my colleague give some idea as to how much of the levees have been swept away, and what repairs will be necessary?

Mr. DUNBAR. And also include how many roads are rendered impassable.

Mr. GREENWOOD. Many of the roads built by Federal contribution have been covered and had to be closed because they are impassible. We do not know what the damage will be to the highways until the water recedes. Almost all of the levees have crevasses. Much damage to levees has been reported; the aggregate damage is not known.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. WHITTINGTON. Is the Wabash an intrastate river or an interstate river?

Mr. GREENWOOD. It is an interstate river, the boundary line between Illinois and Indiana.

Mr. WHITTINGTON. Is it used for navigation purposes?

Mr. GREENWOOD. Not a great deal; the lower stretch is used some. Formerly about 300 miles up to Logansport was navigable in high-water time.

Mr. WHITTINGTON. Is there any water power developed on it?

Mr. GREENWOOD. There are some power plants.

Mr. WHITTINGTON. Are there a good many miles of levees up there?

Mr. GREENWOOD. I could only give the gentleman an estimate. In many counties there are 50 or 60 miles on each side of the river. The individual levees run from 5 to 6 miles to 12 or 15 miles in length.

Mr. WHITTINGTON. And those have been constructed by bond issues?

Mr. GREENWOOD. Entirely by contribution of the local property owners.

Mr. SHORT of Missouri. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Missouri.

Mr. SHORT of Missouri. Mr. Chairman, I have been tremendously interested in the remarks of the gentleman from Indiana, not merely because I am a member of the Flood Control Committee of the House but because my district is directly affected by flood waters. The indescribable misery, the awful suffering, the terrible loss of property, and the jeopardy to human life has been great in Indiana, and can likewise be said of the people of Missouri.

The St. Francis River has been on a rampage. Farm buildings have been destroyed, livestock has likewise been destroyed, and these people have been forced to move to higher ground; and unless the Government takes some positive action there can be no relief.

Mr. ARNOLD. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. ARNOLD. As to the release of these ice gorges, is it not a fact that the War Department has said that if it blew out the ice gorges or jams and released the water it might sweep down the river and cause great destruction to some of the lower towns?

Mr. GREENWOOD. That statement is correct. The War Department says that the ice jams should be allowed to go out in the natural way rather than to blow them out.

Mr. ARNOLD. The ice jams, if they remain as they are, cause the water to back up and flood the land farther up the river, and have caused great loss and destruction of property on the lowlands.

Mr. GREENWOOD. That is true. Lands are covered by the ice jams, with a wide expanse of water, that never were covered before.

Mr. ARNOLD. The War Department informs me that if they should blow out the ice jams the probability is that the water would come down with such a sweeping force that it might cause vast damage to the city of Vincennes and other towns on the river.

Mr. DUNBAR. Will the gentleman yield again?

Mr. GREENWOOD. I yield.

Mr. DUNBAR. I presume the purpose of the gentleman's address is to call attention to the fact that in Indiana we have floods which devastate and destroy property, which shuts down industry and causes thousands of acres of farm land to be inundated, and yet very little attention has been given to it by the Federal Government; and it is your intention that the Federal Government should take cognizance of the situation and provide some relief, as it has done in the Mississippi Valley?

The SPEAKER pro tempore (Mr. BACON). The time of the gentleman from Indiana has expired.

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to proceed for two minutes in order to answer the question of the gentleman from Indiana.

Mr. DUNBAR. Mr. Speaker, I ask that the gentleman's time be extended 10 minutes.

Mr. CRAMTON. Mr. Speaker, I do not want to interfere with the gentleman, but I think the time ought to be limited because of the legislation scheduled for to-day.

Mr. GREENWOOD. Mr. Speaker, I ask for only two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, in answer to the gentleman from Indiana [Mr. DUNBAR], my purpose is to join with others in the valley who represent districts upon the tributaries to show the Members of the House that the relief is just as much needed and that the appeal for relief is just as great as any other, and that the task is one that can not be handled by local authorities. Also, that in solving the flood-relief problems on the tributaries we are thereby contributing to the solution of the flood control on the main stem, on the Mississippi, and on the larger rivers.

It is my hope that there will be a bill, constructive legislation, come out of the Flood Control Committee of the House of Representatives, which will carry several of these important tributary projects in one combined bill, and I believe that under that constructive policy we will be helping to settle the entire flood-control problem of the Mississippi Valley. [Applause.]

When the engineer's report is completed and filed a bill will be proposed to carry the same into effect. We have the assurance that the Flood Control Committee of the House of Representatives will have complete hearings upon the proposed bill. Already Chairman FRANK REID, of the House committee, has made a brief visit and survey of the flooded sections and reports that he found the people anxious for Federal aid. Also Mr. REID stated he was willing to take a subcommittee and have hearings in which evidence can be offered and recorded. The various communities will want these hearings in order that lay evidence can be added to that of the engineers.

A resolution is now pending before the Rules Committee of the House providing the necessary appropriation to pay the expenses of this subcommittee from the House Committee on Flood Control. I urge speedy and favorable action for this rule. It is important and will be within very modest limitations. If the subcommittee can be sent to these flooded areas, it will permit the people to present evidence without making a trip to the Capital, which would be expensive and in most instances prohibitive to those who are interested.

We are hopeful that the engineer's report will direct us in this much-needed flood relief project, and that the Congress will act sympathetically and speedily to accomplish in these flooded districts what no local community or State can bring to a successful execution.

CHOCTAWS AND CHICKASAWS INDORSE CARTWRIGHT BILL

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, consent having been granted me to extend my remarks in the RECORD, I desire again to call the attention of the Members of Congress to H. R. 2901, which I have twice introduced and which provides for the purchase by the Government of the segregated coal and asphalt deposits in Oklahoma from the Choctaw and Chickasaw Tribes of Indians. I am taking the liberty of inserting excerpts from the minutes of a recent Indian meeting and a petition with the names of those who have signed it.

This is an appeal which Congress can not afford to ignore and I therefore commend it to every Member of the House.

MINUTES OF CHOCTAW-CHICKASAW MEETING HELD IN DURANT, OKLA., APRIL 23, 1930

A telegram from the Hon. WILBURN CARTWRIGHT, Congressman from this district, was received and read to the convention and it was very enthusiastically received.

A motion to adopt and indorse the Cartwright bill now pending in Congress to sell our coal and asphalt to the United States Government for $12,000,000 and thereby secure a final settlement of all our affairs was unanimously adopted by resolution.

FRANK ANDERSON, *Bokchito, Okla., Chairman.*
J. W. EDWARDS, *Bromide, Okla., Secretary.*

PETITION

HOUSE OF REPRESENTATIVES,
Washington, D. C.:

We, the undersigned enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, hereby respectfully request and urgently insist that you take up for consideration as early as possible and report favorably thereon H. R. 2901, introduced by the Hon. WILBURN CARTWRIGHT.

Many of our people are in dire need of their interest in this estate, and under treaty stipulations between our tribes and the United States should have received their equity in the same many years ago. Therefore, in justice to a people who are loyal and true citizens of our Nation, we ask at your hands a prompt settlement of this estate with each individual.

John Daniel, Rufe, Okla.; Mary Daniel, Rufe, Okla.; Eastman Jacob, Rufe, Okla.; Antlin Noatabbe (Mrs. Jacob), Rufe, Okla.; Billy B. Frazier, Rufe, Okla.; Silas Columbus, Rufe, Okla.; Eleat Myer, Rufe, Okla.; Eben Wesley, Rufe, Okla.; Salina Peter, Rufe, Okla.; Silway Dennis, Rufe, Okla.; Kennedy Myer, Rufe, Okla.; L. N. Ishcomen, Rufe, Okla.; Agnes Jones, Rufe, Okla.; Jiney Hoyopatubbi, Rufe, Okla.; Johnson Taylor, Rufe, Okla.; Sallie Wallace, Rufe, Okla.; Molcy Caldwell, Rufe, Okla.; Mary Ann Caldwell, Rufe, Okla.; Willie Caldwell, Rufe, Okla.; Mycie Caldwell, Rufe, Okla.; Wilson Caldwell, Rufe, Okla.; Ina Winship, Rufe, Okla.; Jackson Wesley, Rufe, Okla.; Clarissa Caldwell, Rufe Okla.; Eliza A. Holman, Rufe, Okla.; Nelus Payne, Rufe, Okla.; Wilton Jefferson, Hochatown, Okla.; Judy Jefferson, Hochatown, Okla.; Levi Tikobbi, Broken Bow, Okla.; Maggie Tammie Beavers, Hochatown, Okla.; Aaron Ebakotubbi, Hochatown, Okla.; Nancy Ebalotubbi, Hochatown, Okla.; Lena Watson, now Ebakotubbi, Broken Bow, Okla.; Tom Stephen, Hochatown, Okla.; Lesina McClure, Hochatown, Okla.; Levisa Steven, Hochatown, Okla.; Evalina Johnson, Hochatown, Okla.; Ruth Jaunita Harrison, now Beaver, Hochatown, Okla.; Mary Watson, now Beavers, Hochatown, Okla.; Tom Wilson, Broken Bow, Okla.; Richmond Tonihka, Broken Bow, Okla.; Philip Wilson, Hochatown, Okla.; Britany Wake, now Wilson, Hochatown, Okla.; Lena Thomas, Wright City, Okla.; Osborne Nakishi, Wright City, Okla.; James Jacobs, Wright City, Okla.; Nattie Nakishi, Wright City, Okla.; Mary Nakishi, Wright City, Okla.; Anderson Winships, Wright City, Okla.; James Jacobs, Wright City, Okla.; Emerson D. Willis, Rufe, Okla.; Sophie Jacob, Rufe, Okla.; E. B. Henry, Quinton, Okla.; A. Lewis Bullard, Quinton, Okla.; Samuel Quinton, Quinton, Okla.; Martin Billy, Quinton, Okla.; Sampson Folsom, Brooken, Okla.; R. M. Hancock, Quinton, Okla.; Wallace Carney, Quinton, Okla.; James Quinton, Quinton, Okla.; Gertrude Trower, Quinton, Okla.; Scrugg Collier, Quinton, Okla.; Lula Swaim, Weleetka, Okla.; Lona Attizer, Quinton, Okla.; Scott Bickle, Quinton, Okla.; Jonas Carney, Quinton, Okla.; C. C. Hughart, Quinton, Okla.; William Freeman, Quinton, Okla.; Joanna Freeman, Quinton, Okla.; James Freeman, Quinton, Okla.; Lata Bell Brown (nee Freeman), Quinton, Okla.; Hill T. Smith, Quinton, Okla.; Charles Bascom, Quinton, Okla.; Mary Elizabeth Bookout (nee Smith), Quinton, Okla.; Levi B. Hughart, Quinton, Okla.; Delara Mills, Quinton, Okla.; George Carney, Quinton, Okla.; Noah Watson, Quinton, Okla.; Edmund Massey, Quinton, Okla.; Emry H. Farriel, Quinton, Okla.; Martha Collier, Quinton, Okla.; Emanuel P. Gruss, Russellville, Okla.; Grayson Noley, Quinton, Okla.; Raymond W. Fitzer, Brooken, Okla.; Jesse Byington, Quinton, Okla.; Davis L. Folsom, Russellville, Okla.; J. H. Fitzer, Brooken, Okla.; Alvin C. Mathiews, Quinton, Okla.; Cyril Gibson, Quinton, Okla.; G. W. Taylor, Quinton, Okla.; Avery Quinton, Quinton, Okla.; Grover Beck, Quinton, Okla.; Maude Taylor, Quinton, Okla.; Wilson Carney, Featherston, Okla.; J. T. Count, Quinton, Okla.; Edward Walls, Enterprise, Okla.; Coleman Riddle, Quinton, Okla.; C. R. Hancock, Quinton, Okla.; Silas W. Bohanan, Brooken, Okla.; Ella Carney, Featherston, Okla.; Wallace Beck, Russellville, Okla.; Flora Hancock (now Thompson), Quinton, Okla.; William Quinton; Josiah Billy, Talihina, Okla.; Winnie Billy, Talihina, Okla.; Allie May Billy, Talihina, Okla.; Thomas H. Frazier, Whitesboro, Okla.; Sarah Anderson, Talihina, Okla.; Josie L. Bacon, Talihina, Okla.; Ellis Bacon, Whitesboro, Okla.; Mary Potts, Whitesboro, Okla.; Rosa Bacon, Talihina, Okla.; Lou W. Boloman, Talihina, Okla.; Alice Billy, Talihina, Okla.; Abner James, Talihina, Okla.; Crawford J. Anderson, Talihina, Okla.; Charles E. Bacon, Talihina, Okla.; Joseph A. Dukes, Talihina, Okla.; Alfred Johnson, Talihina, Okla.; Sol Daney, Talihina, Okla.; Cornelius McIntosh, Talihina, Okla.; Enoch Alexander, Talihina, Okla.; Thelma Holman, Talihina, Okla.; Alfred Pike, Talihina, Okla.; Nancy Roebuck, Talihina, Okla.; Aline Johnico, Talihina, Okla.; Annie Benton, Talihina, Okla.; Jolunor Tupper, Talihina, Okla.; Auda Johnico, Talihina, Okla.; Lillie Benton, Talihina, Okla.; Aaron Johnico, Talihina, Okla.; Sallie James, Whitesboro, Okla.; Minnie Thomas, Whitesboro, Okla.; Willie Henry McCoy, Muse, Okla.; Cinsy Williams, Whitesboro, Okla.; Sarah Armstrong, Muse, Okla.; Joe Willy, Whitesboro, Okla.; Clara Willy, Whitesboro, Okla.; Lilain McCoy, Whitesboro, Okla.; Sarah Graham, Whitesboro, Okla.; Thomas Graham, Whitesboro, Okla.; Leon Beams, Whitesboro, Okla.; Susan Jones, Whitesboro, Okla.; Bertha C. Thomas, Whitesboro, Okla.; Dave Bohanan, Talihina, Okla.; Grant Johnico, Talihina, Okla., R. F. D. 1; Isabelle Johnico, Talihina, Okla., R. F. D. 1.; Rhoda J. Willis, Whitesboro, Okla.; Vira Willis, Whitesboro, Okla.; Emiziah Bohanan, Albion, Okla.; Jackson Anderson, Albion, Okla.; Emma Bohanan, Talihina, Okla.; Lizzie Benton, Talihina, Okla.; Mary Beams, Talihina, Okla.; Davis James, Whitesboro, Okla.; Nancy Alexander, Talihina, Okla.; Maggie Billy, Talihina, Okla.; J. F. Mulew, Caney, Okla.; Loring Robinson, Caney, Okla.; Sophina Moore (now Robinson), Caney, Okla.; Emma Turnbull, Caddo, Okla.; Mary Jane Lewis, minor of Josiah Lewis, Caddo, Okla.; Dave Hardwick, 301 South Rob Street, Oklahoma City, Okla.; Agnes Hardwick, Rush Springs, Okla.; George G. James, Oklahoma City, Okla.; Darnes Lilburn Hardwick, Oklahoma City, Okla.; David McFulsome, Oklahoma City, Okla.; George Hoklatubbe, Oklahoma City, Okla.; Alex Thompson, sr., Oklahoma City, Okla.; Jasper Colbert, Oklahoma City, Okla.; Clinton J. York, 224 South Walker Street, Oklahoma City, Okla.; Albert T. Perkins, Oklahoma City; Maude Fillmore, Oklahoma City; Henry Pebwath, 108 South Broadway; S. M. James, Oklahoma City; Mack McDonald, Oklahoma City; James E. Bolen, Oklahoma City; Edmond Williamson, Sulphur, Okla.; Charles Burny, Oklahoma City, Okla.; Hattie A. Grigsby (nee Perkins), 415 West Reno Street; W. E. Hughes, Oklahoma City, Okla.; Bedford Anderson, 108 West Capital, Oklahoma City; Solomon Spring, Oklahoma City; Jim Colbert, Oklahoma City, Okla.; Shorty Brown, Stigler, Okla.; Hamp Benson, Fort Lawson, Okla.; William Hawkins, Oklahoma City, Okla.; Sallie Fillmore Hawkins, Oklahoma City, Okla.; Fatie Spring, Oklahoma City; Edgar McGee, Talihina, Okla.; Linnie Maie Jordan, Oklahoma City, Okla.; Joseph Thompson McMillan, Oklahoma City, Okla.; Thomas J. Perry, Oklahoma City, Okla.; Martha Leatrice Patterson, Oklahoma City, Okla.; Kittie Peddycourt Perry, Oklahoma City, Okla.; Zeldia Marie Perry, Shawnee, Okla.; Benjamin Franklin Perry, Oklahoma City, Okla; Essie May Perry (nee Marshall), Oklahoma City, Okla.; Rena Ellen Perry, Duncan, Okla.; George Isaac, Oklahoma City, Okla.; Libbie Smith, Oklahoma City, Okla.; Lauda McDonald, Oklahoma City, Okla.; Homer S. Curtis, Heavener, Okla.; Charles Reid, Oklahoma City, Okla.; Benjamin Franklin Fillmore, Oklahoma City, Okla.; Charles H. Lanham, Oklahoma City, Okla.; Bessie Lanham, Oklahoma City, Okla.; Jimmie Lanham, Wynnewood, Okla.; Linno Filmore, Oklahoma City, Okla.; Abbie Williams, 24 West Washington Street, Oklahoma City, Okla.; Benjamin F. Price, 310½ North Broadway, Oklahoma City, Okla.; Elick Hallmark, 214 East Fifth Street; Dave Pickens, 516 East Seventh Street; Coleman Williams, Wewoka, Okla.; Isaac E. Nelson, Oklahoma City, Okla.; F. S. Anderson, Oklahoma City, Okla.; William C. Adams, Oklahoma City, Okla.; Levi Wilson, Oklahoma City, Okla.; Bob Horton, Oklahoma City, Okla.; Ed Newton, Ardmore; Samuel L. Wallace, Ardmore, Okla.; Charles Henderson, Berwyn, Okla.; Martin E. Brown, Ardmore, Okla.; Ervin Lavers, Ardmore, Okla.; Rafe Sockey, Ardmore, Okla.; Archie Morris, Overbrook, Okla.; Noland Thomas, Ardmore, Okla.; Isaac Lavers, Ardmore, Okla.; John T. Henderson, Berwyn, Okla.; C. W. Thomas, Ardmore; Dave Pickens, Ardmore, Okla.; Wm. F. Warren, Ardmore, Okla.; M. F. Lock, Ardmore, Okla.; J. F. Doke, Ardmore, Okla.; C. W. Morris, Ardmore, Okla.; J. F. Faral, Ardmore, Okla.; Hoyt Parnell, Ardmore, Okla.;

Perry Crowder, Ardmore, Okla.; J. C. Kemp, sheriff, Ardmore, Okla.; Charley Kernel, Provence, Okla.; Alex Brown, Ardmore, Okla.; Cal Stewart; Joe Brown, Ardmore, Okla.; Mrs. Cecil Propy, Ardmore, Okla.; J. O. James, Ardmore, Okla.; Rolina Brown, Ardmore; Guy Brown, Ardmore; Ruth F. McMillan, Ardmore; Joe Theokeld, Ardmore, Okla.; Alice Keel, Ardmore, Okla.; James Nolotubbie, Ardmore, Okla.; Willie Colbert, Mannsville, Okla.; Maud Colbert, Mannsville, Okla.; Johnnie John, Ardmore, Okla.; George John, Ardmore, Okla.; Jack Williams, Ardmore, Okla.; Frank Stilling, Ardmore, Okla.; Rachel Yates, Ardmore, Okla.; Bob Short, Ardmore, Okla.; F. S. Hyden, Ardmore, Okla.; Iwan Cumley, Troy, Okla.; Willie Cumley, Troy, Okla.; Jumia Crin, Ardmore, Okla.; M. T. Brown, Ardmore, Okla.; James T. Coyel, Ardmore, Okla.; Bessie Bell Hensley, Ardmore, Okla.; J. P. Nolotubbie, Ardmore, Okla.; Jessey Vaughn, Ardmore, Okla.; Rebecca Keel, Ardmore, Okla.; William C. Keirsey, Ardmore, Okla.; T. B. McLish, Ardmore, Okla.; Sam Billey, Achille, Okla.; T. P. Hatleny, Ardmore, Okla.; Jackson Carnes, Ardmore, Okla.; Joel Ervin, Woodford, Okla.; J. B. Taylor, Durant, Okla.; H. A. Trendall, Ardmore, Okla.; Mary Elizabeth Trindall, Ardmore, Okla.; Oliver Carroll, Brock; Willie Cotton, Ardmore, Okla.; Raybon Wilke, Ardmore, Okla.; John Thomas, Ardmore, Okla.; King Isaac, Ardmore, Okla.; Eiiza Isaac, Ardmore, Okla.; Sallie Phillips, Ardmore, Okla.; Nannie Johnson, Ardmore, Okla.; Jesse Johnson, Ardmore, Okla.; Mary Collins, Ardmore, Okla.; Rena Crowder, Ardmore, Okla.; Walter Nichols, Ardmore, Okla.; Lina Autrey, Alma, Okla.; Mark H. Ervin, Ardmore, Okla.; Theodore Collins, Cheek, Okla.; Audrey B. Hanaway, Cheek, Okla.; J. P. Collins, Overbrook, Okla.; George H. Collins, Cheek, Okla.; Mary Brower, Ardmore, Okla.; Brown Wita, Ardmore, Okla.; I. B. Criner, Ardmore, Okla.; Etta Criner, Ardmore, Okla.; Joe W. Criner, Ardmore, Okla.; C. C. Criner, Ardmore, Okla.; L. H. Criner, Ardmore, Okla.; Boyd Jenkins, Ardmore, Okla.; F. P. Brown, Ardmore, Okla.; Etta Hall, Ardmore, Okla.; G. J. Hall, Ardmore, Okla.; G. L. Lowery, Ardmore, Okla.; T. G. Price, 1032 McLish Street, Ardmore, Okla.; Wm. Franklin Bourland, 703 G Street SE., Ardmore, Okla.; Lula Bynum Bourland, 703 G Street SE., Ardmore, Okla.; James P. Bourland, jr., 703 G Street SE., Ardmore, Okla.; Wm. F. Bourland, jr., 703 G Street SE., Ardmore, Okla.; Joe Kelley, Ardmore, Okla.; Joseph B. Bourland, Ardmore, Okla.; Melton Burris, Ardmore, Okla.; Douglas H. Burris, Ardmore, Okla.; Alice Whitfield, Waurika, Okla.; Dawes H. Lavers, Newkirk, Okla.; John B. McLaughlin, Ardmore, Okla.; J. D. McLaughlan, Madill, Okla.; Jenkins Porter, Ardmore, Okla.; Harris Dany, Durwood, Okla.; Cruce Thomas, Ardmore, Okla.; J. W. Johnson, Milo; Ernest Johnson, Milo; Mary Bell Hill, Milo; Walter Chone, Milo; Wesley Johnson, Milo; Manette Armose, Milo; James Leftone, Garvin, Okla.; Houston Holt, Idabel, Okla., route 2; Quintus Maytobe, Idabel, Okla.; Edwin Billy, Eagletown, Okla.; Thomas H. Byceigton, Goodwater, Okla.; Sophia Byceigton, Goodwater, Okla.; Fannie Olt, Goodwater, Okla.; Ida Mae Butler, Idabel, Okla.; Benson W. Washington, Garvin, Okla.; Arthur Peters, Idabel, Okla.; Emerson Parker, Golden, Okla.; Eva Parker, Golden, Okla.; Alphrus Johnson, Garvin, Okla.; Carrie Johnson, Garvin, Okla.; Peter Jones, Garvin, Okla.; Emma Jones, Garvin, Okla.; Liley Austin, Garvin, Okla.; N. C. Robinson, Idabel, Okla.; Jerry Samuel, Idabel, Okla.; Wilson Homer, Garvin, Okla.; Colberson Islcomer, Garvin, Okla.; Oscar Loman, Garvin, Okla.; Lester Washington, Garvin, Okla.; Edline Washington, Garvin, Okla.; Francis Homer, Garvin, Okla.; Lawrence Washington, Garvin, Okla.; Gibson Cobb, Garvin, Okla.; Esias Washington, Garvin, Okla.; H. F. Burns; William Isaac; Sam Marris; Simon Atoko; Malvine Atoka; Silas McCurtain; Joseph Letlove; Polina Marris; Selina Carney; Israel Jones; Ellis Atoka; Sephen Atoka; George Jack; Lena Jack; Laura Sackey; Adu Gaines; Viney Thompson; Bency Sam; Julia Jack; Stanford Sam; Allen Jack; James Adams; Thomas Adams; Louranda Adams; Emar Harris; Selena Ryles; Sophia Sam; Snouda Thompson; Paul Thompson; Alfred Jefferson; Edward Coley; Wilburn Coly; Joseph Jefferson; Cephis Jefferson; Culberson Thompson; James Stallaby; Sam Jefferson; Morris Sam; Biney Coley; Amanda Coley; Cyrus Lewis; Ceas Lewis; Johnson Coley; Groma Hicker; J. C. Wilkinson; Henry Wesley; George C. Williams; Nannie Williams; Osborne McCurtain; Martha McCurtain; Sallie Ward, née LeFlore; Nora Adams, now Peden; Mary Adams; Nellie Harris Dutton; Lou Maddux, née LeFlore; Ben Price; A. E. Smith; Minnie Smith; Irene McCann, now Raleigh; Watson Wireght; Jesse H. Luttrell, Ida Luttrell, Dexter Luttrell Ays, Eddie Luttrell, Daniel B. Askew, Clemmie Hendrix, Osker Askew, Luther Askew, Lula Askew Key, Cleave Askew, Claud Key, Eddy Askew, Harry Askew, Arkus Askew; Levi Orphan, Arpelar, Okla.; Mulbert Lewis, Arpelar, Okla.; Nicey Lewis, Arpelar, Okla.; Gilbert H. Arpelar, Arpelar, Okla.; J. A. Arpelar, Arpelar, Okla.; Lucy Arpelar, Arpelar, Okla.; E. F. Orphan, Arpelar, Okla.; Heney Sealey, Arpelar, Okla.; Annie Ensharly, Blocker, Okla.; W. W. Wells, Mrs. L. C. Wells, Miss Ruby Wells, Claude W. Wells, Norman D. Wells, B. A. Wells, Henry E. Truett, C. M. Wells, J. F. Wells, R. L. Wells, B. M. Wells, W. A. Beal, Mrs. S. C. Beal, T. Beal, W. D. Beal, Dug Phelps, Elnerie Kiefer.

MY REPORT TO THE PEOPLE OF THE ELEVENTH CONGRESSIONAL DISTRICT OF OHIO

Mr. UNDERWOOD. Mr. SPEAKER, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, ladies and gentlemen of the House, as a Representative of the American people in the Congress of the United States, I desire to present to the citizens of my district a condensed report of my attitude on important legislative matters that have been passed upon or considered during my service. My aim and desire as a Representative in Congress has been to serve faithfully all the people of my country and district. I have tried to vote and to speak for the best interests of my constituents at all times. I have many times felt that the individual citizen should have a keener interest in the business of Congress and of our Government.

In order to stimulate this interest and better acquaint myself directly with the needs of my district and the welfare of our country I have asked for and appreciated receiving the views of the farmer, business, laboring, and professional men and women of my district. Measures of great importance to the people have been and are now before Congress. I have asked for and received valuable advice and suggestions upon many questions in which my constituents were interested. This has enabled me to become better acquainted with the direct needs of the good people of the eleventh district. I am glad that I have had the splendid cooperation of individuals, clubs, farmers, labor, civic, and veterans' organizations in my district. The advice, help, and teamwork of my constituents in solving and helping to solve the many perplexing problems have been both beneficial and helpful. I am gratefully appreciative and thankful to all for this help.

Service in this great legislative body is an interesting and important work. Our Government is the greatest business institution in the world, spending approximately $4,000,000,000 annually. It is a privilege and an honor to represent a cross-section of the American people in what I consider to be the greatest lawmaking body in the world. I am pleased to say that most of our legislation has been enacted in either a nonpartisan or a bipartisan manner. The absence of narrow partisanship on many great business questions has been evident. I do not believe that blind partisanship should be the guide in voting on important questions that vitally affect the happiness and welfare of all our people. I can truthfully say that during my service as a Representative I have tried to adhere to this principle and to consider and cast my vote on every measure on the basis of its merits. A congressional honor and mantle becomes one of dishonor and shame when purchased at the price of the sacrifice and surrender of independent political thought and manly self-respect. I have tried to square my vote with my conscience and my best judgment. I have earnestly tried to perform my duty to the people whom I represent.

It has been truthfully said by a distinguished statesman who served approximately 25 years in the House of Representatives "it is a high honor to be a Representative in Congress." I have learned by experience that a Member's usefulness to his country and district increases with his term of service. As Champ Clark once said:

> A man has to learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor—that is, useful and influential Congressmen are made largely by experience and practice.

Many sections of the country have considered it an unwise performance to change Representatives at short intervals. As has been aptly said, "A new Congressman must begin at the foot of the class and spell up." Abraham Lincoln's favorite argument was that it is unwise to swap horses in the middle of the river, which applies to Congressmen as well as Presidents. In perhaps no other business does seniority or length of service amount to so much as in the Congress of the United States. Length of service in the House with the advantage of knowledge

and acquaintance with the work of the various governmental departments, gained by years of experience on the job helps a Member to be of more useful service to his constituents back home. A Member of Congress who has fair capacity, industry, honesty, sobriety, and courage, who is willing and strives to perform his duties faithfully and well is bound to gain position and influence with the seniority or length of his service in the House of Representatives. Due to this factor many Members of the lower branch of Congress have been serving the same district continuously for periods ranging from 10 to 25 years.

PERSONAL SERVICE TO CONSTITUENTS

In addition to my official duties here in Washington, I have tried to render every personal service possible to my constituents. It has been one of my special duties to assist disabled war veterans of all wars, their widows, orphans, and dependents in presenting their claims before the Veterans' Bureau and the Pension Department. Thousands of letters asking help and assistance in the transaction of official business have been given prompt attention and answered immediately. Equal and careful consideration and attention have been given to all. The average Member of Congress has a large office business. In addition to studying legislation, attending the meetings of his committees and the sessions of the House, he must answer a vast amount of mail. Personal service must be given constituents in the departments. Ex-service men bring their problems to their Congressman. It is a pleasure to help the soldiers and their widows, although a Congressman can not always accomplish as much as he would really desire.

CITIZENS' INTEREST IN CONGRESS

During the past several years there has been a marked increase in the tendency on the part of those entitled to vote to remain away from the polls. For this reason and in the hope that it will stimulate thought and a deeper sense of responsibility and, in order to help my constituents to determine to what degree and in what manner they and their interests have been represented, I want to speak briefly of a few major legislative questions including among others, farm legislation, veterans' legislation, settlement of our foreign debts, immigration, tax reduction, tariff, and miscellaneous questions that are of vital interest to the good people whom I have the honor to represent. I believe these problems deserve the serious consideration of every citizen. These remarks, principally for the benefit and information of the people of my congressional district, must necessarily be brief. During my service in Congress I have made speeches on certain public questions at the time they were before the House for action.

I am going to quote in part from them, as follows:

OUR FOREIGN-DEBT SETTLEMENTS

My attitude toward the settlement of our foreign debts is well known throughout my district. As a representative of the American people I consider my first duty to them. I would not utter an unfriendly word toward or intentionally do an injustice to a friendly nation. I could not convince myself that the taxpayers of my country or district desired that I vote for debt settlements releasing foreign governments from a large part of their obligations. I tried not to be swept from my feet by sentimental arguments but endeavored to solve these questions with a cool and deliberate judgment, free from prejudice or sentiment. These great problems concern not only the people of the debtor nations but all the people of the United States.

During and after the late World War our Government loaned several billion dollars to foreign nations. We should not forget that our Government borrowed from our people the money which we loaned these European nations and that we must repay this money, principal and interest. We must redeem our Liberty bonds, which were issued for the money we borrowed to make these loans. In the last analysis every dollar of our foreign debts that we remit or cancel must be paid by the Government of the United States, which means that the people of the United States will be taxed to make up the amounts lost by these gigantic gifts to our foreign debtors. In making the loans a contract of payment was made, and I believe that contract should be kept with the same faith that the law of this country demands of individuals. Contracts between nations ought to be as strictly kept as among individuals.

Under the settlements negotiated with 11 European nations we have canceled or remitted more than $3,025,000,000, which means an average additional tax burden of $28.33 on each man, woman, and child in the United States, or about $141.65 on the average American family. If we are going to cancel these interallied war debts in whole or in part, why not say so openly and candidly?

Our taxes have been increased approximately three times since the war, as compared with those of other nations. In voting against the debt settlements, I did not vote against any nation or her citizens, but voted for America and her citizens, including every naturalized citizen. I voted against adding to the tax burden of our own people. Our debt to Europe has been paid. We sent 2,000,000 of our boys over there. We raised 4,500,000 men for the Army and Navy for the purpose of prosecuting the war. We furnished and financed virtually $9,500,000,000 worth of supplies, not only for the allied governments, but helped feed their civilian population. We took their "demand notes," bearing interest at 5 per cent, for the money we loaned them as per agreement. We entered the great World War to vindicate America's honor; we saved the Allies from defeat—we went to their rescue in the hour of need. After the war ended and peace came, we did not ask for or claim any of the spoils of war. We received no reparations or territory. The war had cost us $24,000,000,000, omitting these allied loans, amounting to $9,500,000,000. At the close of the war those who were victorious took their share of the spoils. France took her $5,000,000,000 of war reparations. Many of the European nations extended their domains and made rich territorial gains and wealth. America neither asked for nor received anything. These settlements are only the first step in the scheme by international bankers for the ultimate cancellation of our foreign debts.

With the dire distress in my country and district, especially in the farming and mining communities, I do not believe that one-third of my people are any more able to pay their taxes than are the people of other nations to pay their taxes. It seems that this term "capacity to pay" is applied to our foreign debtors only—if we do not pay our taxes in America they grab our property and sell it without asking any questions or how much "capacity" we have. Our people have as much trouble in meeting their taxes, which are now coming due all over the country, as the people of some of our foreign debtors. I believe this is the wrong policy. We are reducing the burdens of the people of other nations, but adding to the burdens of our own people. It is not fair that the American taxpayer should shoulder this additional burden while European nations spend their money on large armies and navies that endanger the peace of the world.

Why should we put over settlements which are in effect cancellations without telling the American people what we are doing? Why camouflage and conceal the real truth from the American taxpayers? Our action will encourage the militaristic policy of European nations. Nations should be just before they are generous.

I am perfectly willing to leave the result of my vote with every fair-minded voter and taxpayer of my congressional district, and I honestly believe they will approve my action. I protested, with my voice and vote, against this additional tax burden on the American people.

IMMIGRATION

I believe that one of the most important questions confronting the American people to-day is the question of immigration. The preservation and strengthening of our immigration laws should have the careful and sober thought of all our citizens. Strong and well-organized forces are actively at work attempting to weaken, modify, or repeal the law. I voted for the immigration law because I have always been in favor of restricting immigration to the lowest possible limit. In fairness to the good people who sent me here, I feel that I should state some of the reasons for my vote upon this important legislation.

We have a perfect right to say whom we shall admit or refuse admittance to our shores. There is no Member of this Congress who has a greater respect and esteem than I have for the naturalized citizens of this country. I do not care from what country he comes if he is a true and loyal American. I have an equal contempt for any citizen of this country who is not patriotic and loyal, whether he is native or foreign born. I am not unmindful or forgetful of the part that immigrants have played in the progress and development of this Republic. I do not claim to be more patriotic than others; neither do I bear malice or ill will toward anyone. I have a charitable feeling for all.

I believe that all fair-minded Americans will agree with me when I say that we have an inalienable right to say that no person should be admitted to this country, regardless of percentages, unless he shows a clean bill of health, mentally, morally, physically, socially, and politically. Upon the exercise of this right is dependent the preservation of American rights, institutions, and ideals. It is for the best interests and common welfare of our country. If we are to maintain an American

standard of living, properly safeguard American rights, institutions, and interests, then we should have no hesitancy in throttling down this inflow of persons from other lands. Selective and restrictive immigration is the best protection for our country that was ever provided by any land. We want to be fair and just in our relationships with other nations and other peoples, but first we want to be fair and just to our own citizens.

We should strengthen and not weaken existing immigration laws. All true and patriotic Americans desire that this be done. We must be fair and just to all, but our first consideration should be for our own country. We do not need any additional immigrants to-day. Unemployment exists in this country. Many wage earners are unable to find employment or support for their families. To let down the immigration laws would mean a flood of immigrants to this country who would come in competition with American wage earners. There is no demand upon the part of the farmer, business, laboring, or professional man for a weakening of existing immigration laws. The contrary is true. The American Federation of Labor, the American Legion, and many other organizations and patriotic societies have urged upon Congress the necessity of limiting immigration to the lowest possible point. With that attitude I am in hearty accord.

It is our duty to Americanize those we have here; to urge upon them the importance of taking immediate steps to become American citizens; to teach them that ours is the greatest and most prosperous country in the world—a country where people have freedom, equality, and liberty, with abundant opportunities to accumulate property and enjoy our great natural resources; to teach them obedience to our laws, love for our common country, and respect for our flag. If those who come to our shores find it impossible to maintain, uphold, and protect American institutions and ideals, then I would deport them and send them back to the land from whence they came. I have always considered it my duty as a Representative in the American Congress to help preserve and strengthen our immigration laws.

VETERANS' LEGISLATION

The cause of the disabled veteran is one in which I have always been deeply interested. I have actively supported all worthy legislation in behalf of the veterans, their widows, and dependents, of all our wars. In addition to supporting all legislation in their behalf, I have given much of my time in looking after the individual claims of the disabled ex-service men in my district, and have appeared in person and orally argued their cases before the Pension and the Veterans' Bureau. I was glad to support the Spanish-American War pension bill, which was an act of justice and equity. I supported the disabled World War veterans' legislation.

However, the bill finally passed by Congress is not a bill that suits the veterans or the people of this country. This bill only helps a few; it discriminates against many. I wanted to vote for the best possible legislation for the benefit of the veterans of the World War. I supported the so-called Rankin bill, as an amendment to the Johnson bill, believing it to be more fair and just. When this bill was considered by the House 324 Members of Congress voted for it and said that it was good legislation, and only 49 Members voted against it and said that it was bad legislation. In the Senate the same bill was passed by a vote of 10 to 1, and they said that this legislation was not bad. After the House had again passed the measure by unanimous vote, it was sent to President Hoover for his approval. He said it was bad legislation. Almost 500 Members of Congress by their votes had said that the bill which the President vetoed was a just measure. After the President's veto we were compelled to accept a compromise bill to meet President Hoover's objections. I repeat that this bill, passed in the closing days of the session, is a mere makeshift, and will not and can not be accepted as final. Those worthy and deserving veterans of our World War and all the good people of this country who favor fair and equitable relief will not approve this legislation. In fairness, in justice, and in honesty, we should tell them the truth. We should pass a just law that is fair to all, that will help all alike.

I honestly and candidly believe that the bill which Congress passed to meet President Hoover's objections does not express the true sentiment or feeling of the Members toward our World War veterans, their widows, and dependents. I was not surprised when President Hoover vetoed the legislation for the disabled World War veterans. He vetoed the Spanish-American War pension bill. When it comes to pass legislation to take a few dollars out of the Treasury for the benefit of those who have borne the brunt of battle in the time of the Nation's wars and for their widows and dependents, economy is the cry. But when the multimillionaires and those seeking special privileges—including those who have amassed the big fortunes during the wars, and especially during our late World War—want taxes reduced to an enormous degree, or a special tariff bill passed, the administration immediately approves the legislation.

Several years' experience in assisting World War veterans, their widows and dependents, in presenting their claims before the Veterans' Bureau has brought me to the belief that our compensation laws should be liberalized. Members of this Congress have freely and repeatedly expressed their views on the floor and through the press to the effect that they favored an adequate and substantial liberalization of the compensation laws for those disabled, heroic men whose services and sacrifices made forever secure and perpetuated our Republic. The Rankin bill, which President Hoover vetoed, among many other good provisions extended the date of presumption as to certain disabilities being of military origin from the date fixed in the original law down to January 1, 1930. The present law places the burden of proof upon the soldier. Disabilities in many cases did not develop or reach a compensable degree until after January 1, 1925. The Rankin bill would have cured many of these difficulties and given compensation to sick and disabled veterans who have been denied their rights by arbitrary and technical rulings of the Veterans' Bureau. Many ex-service men suffering from tuberculosis and other constitutional diseases would have been liberally compensated under the bill that the President vetoed.

It is my opinion that the Veterans' Bureau is not functioning as Congress intended. My experience in assisting disabled veterans with their claims has led me to the opinion that there is entirely too much "red tape"; that the whole structure of the Veterans' Bureau is not operating satisfactorily to the veterans or the people of the country. Congress has liberally appropriated several hundred millions of dollars to compensate the sick and disabled ex-service men. Many of those occupying high-salaried positions in the various branches of the bureau, including, among others, many ex-Army officers, have become too "hard-boiled" toward the soldier and his dependents. They seem to think that their mission is not to do justice or compensate the boys for what they contributed to our country in time of war but to deny them compensation if possible. This is done by many unwarranted, technical, and arbitrary rulings. They demand a degree of proof from the disabled ex-service man that is in many cases unobtainable. Affidavits and statements of reputable family physicians, who have known the disabled soldier personally since childhood, and who have treated him in many cases since his discharge, are disregarded and wholly ignored in the consideration of many a worthy claim. The Government hospital records during the soldier's service are in many instances brief and incomplete, thereby working another hardship on the disabled veteran. Those suffering from disabilities are kept in a state of uncertainty. They are compelled to make too many trips to and from the Veterans' Bureau offices, hospitals, and other centers, which means a large expense and overhead to the Government, delay, uncertainty, and dissatisfaction to the disabled soldier. They do not know how long their compensation is to be continued. They may receive compensation this month and be arbitrarily denied compensation by the Veterans' Bureau next month. Too many of the millions of dollars appropriated by Congress to care for our disabled soldiers, their widows, and orphans are wasted in overhead expenses, useless red tape, and the enforcement of needless, arbitrary regulations by the Veterans' Bureau. Many ex-Army officers drawing fat compensation, amounting to a pension under the emergency officers' retirement act, in many cases "pull down" another handsome salary to sit in swivel chairs and deny worthy disabled veterans a meager compensation.

I have carefully studied this question during my service in Congress. I have many sick and disabled veterans in my district, with worthy claims, without means of a livelihood, who are unable to secure compensation for their disabilities. In many cases I have had a sad and unsatisfactory experience in helping these boys collect and present their evidence. I am led to believe that the whole structure of handling World War veterans' claims should be changed. The Veterans' Bureau has too many boards and superboards, too much red tape, too many medical men who believe that their word should be final, who wholly disregard the evidence of reputable physicians, who perhaps have treated the disabled veterans for months and many times for years. I have found the Pension Bureau much more satisfactory in adjusting claims. Sooner or later Congress must adjust the inequalities by a service pension, which, I believe, would be more satisfactory, more just and equal to all who have disabilities, and less expensive to the taxpayers. I believe our legislation handling Civil and Spanish-American War claims under the pension system, by examination under local physicians or boards, has been much more satisfactory. The sick and dis-

abled soldier is given a more sympathetic examination, and is not compelled to travel miles to undergo examination by a Veterans' Bureau examiner, who seems to be, in many cases, more anxious to deny compensation than to do justice to the disabled. We relied upon the local doctor to pass upon the physical qualifications of these boys when they answered the call of their country. Why should they now be denied an examination by a local physician to determine their disabilities? The evidence of lay witnesses has been almost wholly disregarded. It has been difficult for disabled veterans to locate their comrades who served with them and in many cases know something about their ailments and condition while in the military service. Many of these boys with disabilities are rapidly passing to their final reward. The bill which we just passed is a mere gesture. It is a makeshift. It will not extend relief to the disabled veteran, his widow, or orphan to the extent warranted by the emergency. I am frank to say that, in my opinion, this legislation is discriminatory, for it leaves out in the cold thousands of deserving soldiers, their widows, and dependents, who are in urgent need of relief. The death angel has beckoned to many of them during the past few months. They have been cast from the tide of this world's aspirations, its hopes and ambitions, into the great beyond.

However disappointing this bill was, it was this or nothing. It does provide a measure of relief for a few; but I submit to my friends and to the country that this bill does not fully reflect the true sentiment of this body. I desire at this time, as one Member of Congress, to express my regret that we are not passing a better bill. Our soldiers are the defenders of our Nation. Whatever we enjoy to-day of life, liberty, and happiness we owe to these heroic men and women. Compensation paid them for their disabilities is not charity. Our Government can not restore the life given in the service of our country, but it has a duty to help comfort the mother, the widow, and the orphan. Our Government can not restore health to the body broken in defense of our flag. It can in a measure lessen the suffering, the hardship, the sickness of our disabled by providing liberally and cheerfully to those who have given the best that they had to their country in the hour of need. Congress must inaugurate a more just system of dealing with our sick and disabled men and women. By doing so we will save millions of dollars now wasted in overhead and useless expenditures. We should pass a just bill that is fair to all, that will help all alike.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES

Congress in 1924 passed what is commonly known as the adjusted compensation or bonus act. After the war Congress adjusted the pay of the railroads to the amount of $1,600,000,000. The pay of the war contractors was adjusted by Congress to the extent of some $2,000,000,000. The railroads and war contractors were paid in cash. They were not asked to take adjusted-service certificates, such as were given to our ex-service men.

I favor paying the soldiers' adjusted-service certificates in cash. These certificates were not a bonus. They were a debt that our Government has confessed to be due the ex-soldier for adjusted pay, based upon service rendered. The adjusted-service certificate is not, and was not, intended as a reward for patriotism. Our Government admitted that we owed a debt to each ex-soldier equal to $1 additional per day for each day of home service and $1.25 additional per day for each day of overseas service. The issuance of these certificates was an attempt on the part of Congress to equalize the amount the soldier received with what others received who were not in the military service.

At least 90 per cent of our ex-service men are borrowing on their certificates, paying 6 per cent interest, or at the rate of $2 for every dollar that they receive from the Government. Soldiers who need money and borrow on their policies will continue to do so. Under the terms of the certificates, the needy soldier can not at any time borrow a sufficient amount in a lump sum to be of any real assistance to himself or his family. Many of them are now 100 per cent disabled, with a wife and children to support, and unable to secure compensation for their disabilities from the Government. Many of them are unemployed. Others are making a bare existence. To approximately 500,000 ex-soldiers, who are suffering disabilities and can not show service connection, payment in cash of adjusted-service certificates would be a real help and benefit. It would also assist at least 100,000 other disabled veterans who have been able to show service connection of their disabilities. This money rightfully belongs to the ex-service men. I believe the majority of them are in urgent need of the money and would make good use of it. Those who do not want their certificates paid in cash could keep them in the present form.

It is claimed that the Government is not financially able to pay these certificates. I contend that the Government could borrow the money to pay them now at a very low rate of interest, and by doing so, would ultimately save millions of dollars to the taxpayers of the country. This would render a real service to the ex-service men, many of whom are poverty-stricken; others, with wives and children, are hungry and distressed. They are unable to borrow a sufficient sum on their certificates to be of real assistance.

We adjusted the pay of the railroads to the amount of $1,600,000,000; we adjusted the pay of the war contractors to the amount of $2,000,000,000. We did not ask them to take adjusted-service certificates. Under the foreign debt settlements we canceled approximately $11,000,000,000 of our foreign debts. I believe the ex-service men have the same right to the payment of their adjusted-service certificates in cash, as the railroads and war contractors, who made enormous profits out of the war. These men hold the Government's due bill; they need the money. A small tax upon the multimillionaires and war profiteers, who made millions out of the war, would easily take care of the payment of these adjusted certificates and would help bring prosperity back to the country. I sincerely hope that Congress will pass legislation to pay the adjusted certificates in cash. I favor it and will vote for such a bill.

TAXATION

How time old and historical the tax problem is. It has always been burdensome. It bore down upon the parents of the Savior when they had to make the annual journey by the motive power of a mule to pay their taxes; it bore heavily in the days of the Revolution; and, gentlemen, it bears heavily to-day.

Society and government can not stand without taxation. We have greater privileges to-day, therefore greater taxes; but, gentlemen, I say that it is the grave duty of Congress to equalize taxes as far as possible. Atlas, with the world on his shoulders, had a burden light as air in comparison with some of the unjust taxes the taxpayers shoulder to-day.

Taxes are paid by all of us alike, both Democrats and Republicans. We must all bear our share of the expense and burden of our Government.

The question is not whether we are in favor of tax reduction. I believe everyone is willing to reduce taxes as much as possible. The question is, Which class of taxpayers shall receive the greatest reduction?

I believe that Congress should relieve the small taxpayer—the farmer, merchant, and laboring man—who is now overburdened not only with Federal taxes but with State, county, and municipal taxes. My plea is for fair relief to all, and it can be done. It must be done. I do not believe it was the purpose of those who drafted our tax laws to place the hand of the tax gatherer into the pockets of the small home owner and wage earners of this country. Why hamper the man "whose brow is wet with honest sweat, who earns whate'er he can"? He needs all of his small income to clothe, educate, and support his family.

The huge fortunes which have been made and are being created in this country were made possible by our tremendous natural resources with which God Almighty endowed the land. Those resources have been exploited and have piled up many great fortunes that to a large extent do not represent so much creative genius as the ability to translate natural wealth into money. Wealth is necessary to conduct and maintain our business structure, but I believe that the big fortunes, which were made possible by the exploitation of the natural resources of the American people, ought to pay a generous share for the conduct of the Government, which makes them possible and which keeps them in existence.

The big business interests and the war-made millionaires want more than a reduction of their taxes. They know that the World War placed a tax burden on this country that it will take a generation to pay. In time of war we conscript the youth of our land. I do not believe that property is more sacred than blood. If necessary, we should conscript wealth to help pay our country's debts. Wealth paid smaller taxes in this country during the war than it did in any other country under the sun. The rich are now endeavoring to shift the burden of our war debt almost entirely to the backs of the people. Unless we stop it, big business will not rest until the common people are forced to pay every penny of the cost of the war. The people want relief from the high cost of living. A revision of the high and unfair freight rates by this Congress would help the people of my district and the entire country more than a reduction of their Federal taxes. The consumers of the country want relief and a lower cost of the necessities of life.

The people are earnestly demanding and appealing for lower taxes and for further efforts toward a more simple, honest, and economical administration of our Government. I do not oppose the wealth of our country. It is necessary to conduct and maintain our business structure. I would not destroy the

incentive to accumulate, but wealth must bear its share of the cost and expense of our Government. It should not ask special privilege at our hands. I do hope that Congress may say to the country that substantial relief has been given to all classes of taxpayers and that our acts will stand the test of analysis, the test of honesty, and the test of equality that will do justice to all taxpayers.

TARIFF

We have had eight years of the Fordney-McCumber and the emergency tariff acts, two of the highest protective measures ever enacted in the history of our country, which, with all their objections, are more reasonable than the Hawley-Smoot bill. Yet we are in the midst of one of the greatest business depressions we have ever known; and to-day the stock market of the United States has taken another tumble and is in another slump. If an extremely high tariff is a guaranty of prosperity, it would seem to every fair-minded person that the country should be prosperous. Instead, there are millions of unemployed, and we are passing through a panic, with falling commodity prices and serious trade reactions. The great rank and file of the American people believe in equal rights to all and special privileges to none. I fear that the passage of the Hawley-Smoot tariff bill will increase the great army of the unemployed and weaken our economic position among the other nations of the world. It will make the rich richer and the poor poorer, and do further injury to business, which is already badly depressed and panicky. It was passed for the benefit of predatory wealth, the large captains of industry, the large corporations, and other special interests which are to-day dominating legislation in Congress through lobbyists or otherwise.

I will gladly vote for any tariff bill that will safeguard American industries at home and abroad and at the same time safeguard the American people. I could not vote for a bill that increases the tariff on shoes, harness, and hundreds of other necessities which the farmer and the consumer use; that increases the rate on practically all the necessities used in the American home; that will cost the American consumer an additional billion dollars, when he is now already oppressed by the high cost of living and a burden of other taxes that rest heavily upon his shoulders.

I have always believed that the tariff question should be taken out of politics. We should have a commission of tariff experts to ascertain and determine the facts as to cost of production here and abroad, and upon these findings the Congress should legislate and pass our tariff laws. Such tariff commission should at all times be free from executive, legislative, or selfish influences.

This bill, better known as the Grundy Billion Dollar Tariff Act, will increase the cost of living for virtually the whole population of my congressional district. My better judgment could not approve a bill which spurns the great masses of consumers and meets the demands and wishes of greedy interests that are selfishly seeking special privileges and favors at the expense of the American people. I have always tried to vote and speak for what I believed to be the best interests of my country and the people whom I represent. Both the Republican and Democratic Parties stand for the protective theory in our Government, and in their party platforms of 1928 declared for a protective tariff, as opposed to free trade or to a tariff for revenue only. I have always opposed free trade. I have always opposed a tariff for revenue only. I have always believed in a reasonable competitive tariff that will be effective; a tariff that will promote agriculture and industry at home and encourage our trade and commerce abroad. The object of any tariff should be to improve and encourage, not to destroy trade and commerce, whether it be a Republican or a Democratic tariff. The true measure of tariff duties of both political parties should be the difference between domestic and foreign costs of production. I believe there is no great difference between the Republican and Democratic Parties on tariff principles. They disagree only in the application of these principles. I have always believed in a reasonable tariff. I have always favored protecting American industries and labor by tariff rates, levied to an extent that will honestly measure the difference in the cost of production at home and abroad. A tariff bill written on that basis will protect American industry. I believe American industries should be granted tariff duties equalizing this difference in cost of production in order to maintain their standard of wages in this country—and I favor maintaining the American standard of living and wages at all times. Labor should receive protection in an amount equal to the difference in the cost of production at home and abroad. I favor a tariff bill that protects American industry, protects labor, protects agriculture, and protects the American consumer by giving a competitive market that will prevent monopoly from extracting the last cent on the necessities of life. I am, and always have been, ready and willing to vote for a tariff which gives impartial benefits to industry, labor, and agriculture alike. I believe that to be the true American policy, and have always been willing to support such a measure.

Economists, business men, and farm organizations all over the country have protested the passage of the billion-dollar tariff law. They advance 12 reasons why this bill should not have been passed. They are as follows:

First. It will increase the general cost of living.

Second. It will subsidize industrial waste and inefficiency.

Third. It will inflate profits of the few at the expense of the many.

Fourth. It will hit wage earners hardest.

Fifth. It will rob the farmers it is supposed to help.

Sixth. It will cripple manufacturers through raw-material rates.

Seventh. It will lower the buying power of our foreign customers.

Eighth. It will provoke foreign retaliation against our exports.

Ninth. It will violate the resolution of the world economic conference.

Tenth. It will jeopardize payments from our foreign investments and debts.

Eleventh. It will increase unemployment.

Twelfth. It will poison world peace.

Let us examine for a moment what this tariff law will really cost us. Here are a few of the items in the bill and what the increase really means. Cement tariff, which is placed at 6 cents per hundred pounds, will affect every taxpayer in the country and greatly increase the construction of our highways.

The woolen schedule alone is expected to increase the cost $300,000,000 on clothes and wearing apparel.

Hides, leather, boots, and shoes, approximately, $250,000,000; lumber, $50,000,000; brick, $15,000,000; tiling, $25,000,000; sugar, $32,000,000; in addition to the $216,000,000 that was paid under the Fordney-McCumber tariff law.

Here is the cost to us as individuals. I will give you the increase on a few articles: Dress goods, woolen, worsted, and so forth, now costing $4, will cost about $6.25. Silk, now costing $5, will cost about $5.75; cotton, now costing $3, will cost from $3.30 to $3.50; woolen underwear, selling for $2 a suit, will cost from $2.40 to $2.50 and a $4 suit from $4.80 to $5.

Ladies' hats, an untrimmed hat, now costing $1, will cost $1.95; a $3 hat will cost $4.60 and a $3 felt hat, lightweight, will cost about $5.45. Shoes bear a specific duty of 20 per cent, which makes a $5 pair of shoes cost $6 and a $10 pair of shoes cost $12. The shoe tariff is estimated to cost $7.50 per family. Men's wear; assuming that a standard suit or overcoat now sells for $35, the cost under the new tariff will be approximately $40.

The heaviest percentage of increase in men's clothing is in the cheaper priced suits, made in large part of wool rags. The Fordney-McCumber duty was 7½ cents a pound, which has been increased to 18 cents a pound—an increase of 140 per cent. It is estimated that this will add several dollars to the price of every suit of clothes, by the time it reaches the consumer.

Shirts: Men's shirts, now selling for $1.50, will cost $2.20, and a shirt selling for $3 about $4.50. A workman's shirt, now costing 50 cents, will cost about 75 cents. A $5 silk shirt will cost $6. Blankets: A pair of wool blankets costing $10, will cost $11.50; a pair of wool blankets costing $5, will cost $5.75; a pair of cotton blankets costing $2.50, will cost approximately $3.50. A cotton quilt now costing $2, will cost $3. Lumber: The duty of $1 per thousand feet on soft lumber is estimated to add from $56 to $105 on the humble home of the workman.

The Hawley-Smoot tariff bill, in my judgment, is dangerous to the happiness and prosperity of our country and the people of my congressional district. I honestly believe it is likely to cause serious economic and agricultural distress. I believe that not 10 per cent of the Members of the House of Representatives were convinced in their hearts that this bill was fair or just to the American people. We can not build a Chinese wall around our country, or make our tariff laws so high that other countries can not sell us their commodities. If such is the case, they will not buy from us that which they can buy elsewhere. It is impossible to have foreign markets—which we need—if foreign nations will not trade with us.

The Hawley-Smoot bill, based on the imports of 1928, carried an ad valorem equivalent to 42.6 per cent on dutiable items, as compared with an ad valorem of 38.8 per cent under the Fordney-McCumber bill of 1922, which was the highest protective tariff bill ever passed until the present bill. The rates are so high that they create a virtual embargo, which will bring retaliation and reprisals from other countries. In-

dividuals do business with their friends, not their enemies. Nations are but aggregations of individuals, and they are influenced by the same principle. A tariff amounting to a virtual embargo creates bitter and hard feelings among our foreign customers. It is certain to invite retaliation and to operate to the disadvantage of American industry, agriculture, and labor.

Agriculture and American industry can not survive on the home market alone. America must sell abroad its surplus agricultural products and manufactured goods. American industries, with their high speed and mass production, create a surplus for which we must have a foreign market. If we can not sell this surplus abroad, it will add thousands and thousands of American workmen to the now great army of the unemployed. The United States has enjoyed a favorable balance of trade which we must hold if our country is to remain prosperous.

Our State Department has been swamped with protests from foreign countries. Thirty-six nations of the world have protested against the passage of this tariff bill, and are threatening and putting into effect reprisal tariffs that will do untold harm to American industry and agriculture.

Export business is necessary if our Nation is to prosper. I feel that industry as a whole will suffer by the retaliation of other nations. Congress has written into this bill the highest tariff rates ever written in the history of the country. It was designed to stop importations. When that is done we need not be alarmed to find that foreign nations will not buy our goods. The Department of Commerce in a report dated April 16, 1930, stated that our exports decreased $285,000,000 in the first three months of this year, as compared with the first three months of last year. Imports decreased $229,000,000 in the first three months of this year, as compared with the first three months of last year. This is a total decrease in value of foreign trade in the last three months of $515,310,000. At that rate the decrease of our foreign trade in 12 months would be $2,000,000,000. This, no doubt, is due in part to the indefensible, outrageous, and unjustifiable high rates fixed in the Hawley-Smoot tariff bill.

President Hoover called the extra session of Congress for two purposes—first, to pass farm-relief legislation; and, second, for limited revision of the tariff, so as to equalize tariff benefits to agriculture with those of industry. We passed the farm relief bill and to-day farm products are selling lower than they have been for 10 years. Every reasonable person knows that a tariff is ineffective on any commodity where we have a large exportable surplus, which is true with nearly all our agricultural products. Although agriculture is given higher rates in the Hawley-Smoot bill, these rates are ineffective and were given to agriculture simply to boost industrial rates that are effective.

Wheat, with a tariff of 42 cents per bushel under the present law, is selling lower than ever before. No increase was made in the tariff on wheat. In view of the low and depressed market price of wheat and, if a tariff is effective on agricultural surplus, Congress should have raised the tariff on wheat to at least $1 per bushel. For every dollar of benefit that the farmer will receive from this increased rate on his products, he will pay from ten to fifteen dollars more to industry for the things he has to buy. It is my opinion that the Hawley-Smoot tariff bill will be of very little help to the farmer. A number of paper rates and schedules are given agriculture, which are largely ineffective. The increase in other rates upon things he must buy will be highly effective. It is true that some of the schedules might be of some advantage to the farmer, but this fact remains: In the schedules related to industry, the rates of tariff taxation are so increased that they take away any benefit the farmer might have gained under the agricultural schedules. The American farmer has been facing bankruptcy for eight years. The Hawley-Smoot bill, from the standpoint of the farmer, is the worst piece of legislation that has ever been written. In order to benefit agriculture, the tariff should be reduced so as to equalize the difference in the price the farmer has to pay for the things he buys, and the price he receives for what he produces. For instance, we will take the tariff on hides. It is a ridiculous proposition. Does the average farmer ever sell a hide? As a general rule, the hide goes with the carcass when the steer is sold, and the farmer receives exactly the same price for the hide that he gets for the remainder of the steer. The packer will reap the benefit of the tariff on hides, while the farmer and the consumer will pay the added increase in the cost of shoes made from hides which he will continue to sell at the same old price. With a tariff on hides for shoes which are now free, we are bound to get an increase in price which is already unnecessary and indefensible. It is estimated that the tariff on hides for shoes will cost the American people $250,000,000.

The tariff on sugar is increased from $1.76 to $2 per hundred pounds, an additional tax on the breakfast table of every home. The sugar industry is prosperous and has made large profits. A rate of $1 per thousand under the new tariff bill is placed on lumber; and every one who builds a barn, house, or a chicken coop will pay this new tariff. It is passing strange that the lumber used by ordinary citizens is to be tariff taxed under the new bill, while ties and poles used in great quantities by public-utility corporations come in free. Again I repeat that this bill was passed for the benefit of the special interests which are to-day dominating legislation.

The Hawley-Smoot bill is not the kind of a tariff bill that President Hoover or the country had in mind when he called the special session of Congress to consider limited revision of the tariff. It is a general upward revision of the tariff. It is a general upward revision, amounting to an embargo. President Hoover does not like the bill. He virtually apologized for it at the time he affixed his signature. It is not the kind of tariff bill for which Thomas Jefferson stood. It is not the kind of tariff that was declared for in the platforms of the two great political parties in 1928.

I believe that the American people and the voters of my congressional district will approve my attitude in opposing this most unfair, inequitable, and unjustifiable tariff measure, which can only cripple and destroy industry and agriculture and increase the cost of living to the American people.

AGRICULTURE

I spent my early life on the farm. At the present time I own and operate a farm. I have carefully studied the agricultural situation and believe that I understand some of the difficulties confronting the farmer. During my service in Congress farm relief has been one of the most important questions for solution. Careful study, attention, and consideration have been given to agriculture by both branches of Congress, farm organizations, economists, leaders of industry, business, and commerce. Every fair-minded person admits the serious condition of agriculture.

The farmers of the country have been facing bankruptcy. Numerous bills and measures for relief have been presented for the solution of the farm problem. Congress has enacted some of these suggestions into legislation. Others have been rejected as being unsound, uneconomic, and unworkable. The outstanding measure passed by Congress at the special session was the farm relief act. This is essentially a marketing bill. Its chief purpose is to stabilize the production, marketing, and distribution of farm products, whether at home or abroad. It is intended to put agriculture on the same commercial basis as other industries of the country. The Farm Board is given broad and extensive powers to deal with the marketing situation. The board is supplied with a revolving fund of $500,000,000 to be used in its operations. Some of its powers are to make loans to cooperative marketing associations, to make loans to stabilizing corporations, to assist in farm-production control, to effect the economic distribution of agricultural commodities, to lessen waste and loss in marketing operations.

I do not have the time to give all the various provisions of this legislation. I doubt very much whether or not the individual farmer will be directly benefited by this costly and noble experiment. I sincerely hope that it will accomplish all that its ardent friends claim for it. Many claim that the bill will accomplish little for agriculture. It makes no provision for control of our surplus farm commodities. Nothing in the bill will prevent the surplus from being dumped on the domestic market. No provision is made to replenish the revolving fund. The legislation is based on a Government subsidy. Agriculture to-day struggles under economic disadvantages and injustices. The tariff on farm products is ineffective. The debenture plan would have made the tariff effective on farm commodities. The price the farmer pays for everything he uses is fixed for him. The price he receives for his products is also fixed. He is not only told what to pay but the price paid to him is dictated. The farmer does not need additional loans; he needs an income that will insure him an honest living and a fair return for his labor. Many farmers to-day would be improving their farms, repainting their buildings, replacing their farm machinery, building fences, and generally improving the farm if they had the money with which to do these things. It seems to me that it is time that the industrial interests of the country realize that the farmer's dollar moves in a never-ending cycle. It is evident to all that the business depression and the hard times existing in industrial centers to-day can be traced largely to the distressed condition that has existed in agriculture since the war. Agriculture is our basic industry. If agriculture is not prosperous, the other

industries of the country will sooner or later feel the effects, and that is the case to-day.

I fear that Congress, by the enactment of the Grundy billion dollar tariff bill, by increasing the tariff on manufactured products, upon which there is already a practically prohibitive tariff, has taken away most of the benefits gained or to be gained by the farm relief bill. Congress has raised the price that the farmer has to pay for manufactured products for his family, his home, and his farm. I discussed this proposition in my remarks on the tariff bill. Agricultural tariffs are generally ineffective. Tariffs related to industry are very effective. The tariff has been raised on numerous articles that the farmer must purchase, thereby increasing his cost of living. Within my congressional district are many diversified industries. We have as fine farm land as exists anywhere in the country. Traveling over my district I find many of the farmers are bankrupt and farms being sold at the courthouse. Something is wrong. I see fields grown up with weeds, houses deserted where once prosperous farmers resided but now gone. The farmers have been paying war-time prices for many of the necessities they use in the home and on the farm. They are receiving deflated prices for their farm products. At the present time the farmer's dollar measured in other than farm products is worth very little. Beef, pork, grain, and other products of the farm are selling at low prices. Farmers have been toiling from early morning until late at night to find that they are making only a bare living. In many instances they are faced with a mortgage.

We have a serious situation, brought about by the economic inequality of agriculture and by the steadily lessening buying power of the American farmers.

It seems to me that if the American farmers can be helped out of their present economic distress that it will do more to bring prosperity back to this country than all the artificial and abnormal stimulants will be able to accomplish. It is admitted that at least half of our population is in economic and financial distress to-day. It ought to be self-evident that a prosperous agriculture is necessary to continuous industrial prosperity. The future success of every business enterprise in America depends directly or indirectly upon the buying power of the agricultural part of our population.

When we pause and consider the vast number of farms that are being abandoned; when we think of the millions of American farmers who have been struggling against adversity for the past several years with insufficient income to meet their taxes and pay their obligations; when we think of the disastrous decrease in the buying power of American agriculture, we must all recognize that it is a serious situation, demanding the attention of all who are interested in the future of this country.

If we permit the farmers of this country to be driven from the farms, undoubtedly, we will pay more for our food and raw materials. It will result in the destruction of agriculture, which is our basic industry.

I have always found the farmers of America to represent an honest, courageous, and hard-working body of our citizenship, law abiding, home owning, and country loving people, and they have a right to demand and should receive the sympathetic and constructive consideration of our national law-making body. Their problem is a national problem. It is a State problem. It is an individual problem. A satisfactory solution of it would result in greater happiness and prosperity to all the people in our fair Republic.

COAL SITUATION IN OHIO—UNFAIR FREIGHT RATES

Unfair, discriminatory, and preferential freight rates have permitted the coal-producing districts of West Virginia, eastern Kentucky, and other States to ship coal into and through Ohio over long hauls at a favored freight rate. This rate is much lower in comparison with the existing rates over shorter hauls from the coal fields of Ohio, much nearer the markets and industrial centers. This has resulted in placing Ohio coal at a disadvantage, and the evil effect to operators and miners is self-evident.

Ohio has a just right to be proud of her diversified industries. The good people of my State have an excellent history of achievement in agriculture, mining, manufacturing, and other industrial activities, but the existing and prevailing system of coal freight rates is literally killing one of the greatest industries of my State. The Ohio coal situation is extremely bad, and the great mines of the State and my district are in many instances idle. Millions of dollars have been invested in the mining industry and thousands of miners and their families are dependent upon this industry for their livelihood. To-day a large part of this capital is idle and thousands of miners are unemployed, while competing coal fields in neighboring States, developed by discriminatory and unfair freight rates, have progressed and grown by leaps and bounds.

I believe the existing freight rate schedule as it pertains to Ohio coal fields should have been given attention long ago by the Interstate Commerce Commission and this Congress. Existing conditions have been permitted to run on until the operators and miners are to-day in a critical and desperate condition. With millions of dollars invested in coal-mining properties the operators and miners believe that a maladjustment of coal freight rates exists and that it is responsible in a great measure for many of their vexing problems of to-day. They realize, as I do, that as a result natural resources are wasted and that labor in great numbers is idle.

The public is vitally interested in this question. They realize that where rates are not compensatory for services rendered the burden of making up the deficiency is borne by the consumer. They realize that the difference resulting from freight rates that are not equitable must be borne by other commodities. They are beginning to understand that rates made to favor the long haul in the coal traffic are not at the present time to the public interest.

No better coal is mined anywhere than in the hills of Ohio and the beautiful Hocking Valley. There are no better mines, and nowhere on earth are there better classes of men than comprise the mine workers of southern Ohio. I know these miners in the Hocking Valley and Crooksville districts. You can search the entire country over and you will not find a group of men, taken individually or collectively, who have a finer sense of true American spirit than the miners of my State and district. They are with few exceptions all American citizens, and the vast majority of them are American born. Many of them own their own homes and have been attempting out of their meager incomes to educate, feed, and clothe their children. As a group they want to do what is best for themselves, their families, and their communities.

The miners of Ohio who have been honest, fearless, and true to their families, their country, and their God, believe that partial relief can be granted by a removal of the existing discriminatory and unjust freight rates which give advantage to the neighboring coal States of West Virginia and Kentucky.

I am interested in their welfare. It is my duty to represent them, as well as all my people, in this Congress. I have always been their friend and will continue to help them by my vote and influence whenever possible. The Ohio miner only seeks for himself and family what every true American wants, an honest living and a square chance to work in unrestricted and unhampered competition with his fellow workers in other fields. I want all sections and all the people of this great country to prosper and be happy. I regret that any of our people must suffer where it is possible to grant them a measure of relief.

LABOR AND UNEMPLOYMENT

I have always loyally supported all legislation for the betterment of the living and working conditions and adequate compensation for the laboring men and women of my congressional district.

One of the most serious problems confronting our Government to-day is the unemployment situation. Several million people are jobless. At least, a part of the unemployment existing to-day is directly due to radical economic changes that have taken place during the last few years.

I believe, as a result of the labor-saving devices and this machine age in which we are living, that the hours of employment of our workers must be reduced.

Many bills dealing with the unemployment situation have been introduced in Congress. Some of them have much merit, and I have gladly supported them. One in particular provides for the establishment of a national employment system in cooperation with the States.

A nation-wide free-employment system would be of much assistance and help to all. Legislation providing for the advanced planning and regulation of the construction of public works so as to stabilize industry and prevent unemployment during periods of business depression has had my unqualified support. Another bill provides for the establishment of a Bureau of Labor Statistics in the Department of Labor. The object of this bureau would be to collect and publish monthly information and statistics concerning unemployment, wages paid, and hours worked. This information would concern not only Government service but would include the following industries and their branches: First, manufacturing; second, mining and oil production; third, building and construction; fourth, agriculture and lumber; fifth, transportation, navigation, and public utilities; sixth, retail and wholesale trade, with any other industries which the Secretary of Labor in his judgment and discretion might include.

This legislation, if enacted into law, might help in part to relieve the distress and deplorable conditions existing in many

sections of our country, as a result of the wide-spread unemployment.

I have supported the resolution introduced by Senator COUZENS, preventing further consolidation and mergers of our railroads until such a time as the Congress can fully investigate and determine a specific policy for the protection of the public welfare and the employees. Fifty thousand miles have been merged. Approximately 200,000 employees have been made jobless. Cities and towns have been virtually destroyed by the removal of shops and terminals. This has affected not only the employees but the happiness and prosperity of the entire country.

No general objection can be made to the absorption of the weaker railroads by the stronger ones. This will prove beneficial not only to the country in general but, no doubt, it will result in better service to all. However, I object to the merging of strong competitive railroads or systems which will increase unemployment, injure business, curtail service, and be of no value except to those who are interested in railroad stocks and bonds.

Unemployment exists in many of our industries. Many hard-working and deserving people are sadly in need of employment. They are ready and willing to work, but are unable to find employment. In my congressional district to-day many of them can be found in their modest and simple homes, sitting with their families, brooding over the unkindness of fate. They can not continue to endure and encounter the hardships which have been facing them. It is our duty to find a solution for the unemployment situation, if possible, as this question is of vital importance to the happiness and welfare of thousands of men and women and children of our country, my State and district.

I want all of our people to prosper and be happy. I regret that any of our people must suffer and trust that we may find a satisfactory solution of this troublesome proposition.

SUMMARY

I have dealt very briefly with a few major legislative matters only and given a brief résumé of my work in Congress. In addition to the foregoing I have taken a definite stand on legislation providing for the settlement of railroad-labor disputes, railroad consolidation, banking, public buildings, reduction of armaments, aircraft, retirement pension for Federal employees, rivers and harbors, Muscle Shoals, reapportionment, postal legislation, good roads, radio, Army, Navy, and numerous other questions of vital importance to the people of the country. In addition to these, all the various appropriation bills providing for the fiscal operations of the Government must be passed by Congress.

Many bills are introduced. In the Sixty-eighth Congress 17,415 bills and joint resolutions were introduced in the House of Representatives and 6,007 in the Senate. In the Seventieth Congress 17,769 were introduced in the House and 6,127 in the Senate. Almost an equal number of bills and resolutions have been introduced in the Seventy-first Congress to date.

Service in Congress is an interesting and important work. Again, I repeat, it is a great honor and privilege to represent the people of the eleventh congressional district of Ohio in the greatest legislative body in the world. For this privilege and the splendid cooperation of my constituents I am thankful.

LEAVE TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. ALMON], after business is disposed of on the Speaker's table, may have 10 minutes to-morrow to address the House.

Mr. LAGUARDIA. Are there many other orders for to-morrow?

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] has 30 minutes, the gentleman from Alabama [Mr. OLIVER] has 15 minutes, and the gentleman from South Carolina [Mr. STEVENSON] 5 minutes.

Is there objection to the request of the gentleman from Texas?

Mr. SNELL. Reserving the right to object, I wish there was some way to get rid of these special orders to-morrow.

Mr. CRAMTON. I have no desire, so far as I am concerned, to get in the way of anything more important than my speech.

Mr. GARNER. May the gentleman from Alabama [Mr. ALMON] have 10 minutes on Friday?

Mr. CRAMTON. Let me make this request. I ask unanimous consent that in lieu of to-morrow I may have 30 minutes on Friday after reading of the journal.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GARNER. May I ask that the gentleman from Alabama [Mr. ALMON] have 10 minutes immediately following the address of the gentleman from Michigan?

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SNELL. Mr. Speaker, would it be in order to ask unanimous consent that the other orders be put over until Friday?

Mr. GARNER. Mr. Speaker, the gentleman from Alabama [Mr. OLIVER] is not here, but I imagine that to-morrow the gentleman could make an agreement with him to make the change.

The SPEAKER. As the Chair understands the situation now, the gentleman from Alabama, Mr. OLIVER, is entitled to 15 minutes to-morrow, and the gentleman from South Carolina, Mr. STEVENSON, to 5 minutes. The other orders have gone over until Friday.

Mr. GARNER. And my request that the gentleman from Alabama [Mr. ALMON] be permitted to address the House for 10 minutes following the gentleman from Michigan on Friday has been granted?

The SPEAKER. It has.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. If there should be a veto message on the table to-morrow, would not that take precedence over these special orders?

The SPEAKER. It would, unquestionably.

ORDER OF BUSINESS—THE PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Friday it may be in order to consider in the House as in Committee of the Whole bills on the Private Calendar unobjected to, beginning where the call last left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Friday it may be in order to consider bills unobjected to on the Private Calendar, beginning where the House left off. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, and I do not intend to object, I hope, out of courtesy to those who are following this calendar, that this will be the last time when a request is made to consider bills on that calendar, unless we go over into next week.

Mr. GREENWOOD. And, Mr. Speaker, I hope there will be no attempt to carry the Private Calendar over until Saturday, taking the two days at once.

Mr. TILSON. Let us have one day.

Mr. O'CONNOR of Louisiana. Does the request include the consideration of bills reported out of committee after June 1?

Mr. TILSON. We have not reached those yet. Let us wait until we reach that bridge before we cross it.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

COUZENS RESOLUTION, S. J. RES. 161, AND UNEMPLOYMENT

Mr. GLOVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, there is no more important legislation now pending in the House than Senate Joint Resolution 161 which has passed the Senate, known as the Couzens resolution, and should be passed by the House at once without any amendment.

This resolution has for its purpose the suspension of the action by the Interstate Commerce Commission in passing upon certain kinds of railway mergers or consolidation until March, 1931, thereby giving Congress time to take action on the general question of railway consolidation. This resolution could be taken up and passed in 30 minutes with but little opposition if the leaders of the majority party would permit it to be considered on the floor of this House. Will you do it?

If not, then the blame for it must rest upon you and not upon the minority party, who in my opinion, would vote almost solidly for it if given a chance to do so. There is no vote I could cast that would give me more pleasure than to vote for this resolution, Senate Joint Resolution 161, without any amendment to it. In the first place, this authority should never have been given to the Interstate Commerce Commission.

I am sick and tired of Congress delegating such great powers to commissions and bureaus. We are fast drifting into a bureaucratic and commission form of government. These powers and duties under the Constitution properly rest upon Con-

gress for solution, and we should be men and discharge this duty and not delegate it to some commission or bureau to be done by them. They are not responsible to the people, as we are, as they are not elected by the people at all.

INTERESTED PARTIES

Interested parties in consolidations could well be divided into at least four classes: First, the public; second, the owner; third, the governmental agencies; and, fourth, the effects of consolidation on trained labor.

The public is one great factor with respect to consolidation, and we shall consider its interest first. Its interests are paramount, and its primary interest is that of service and a reasonable charge. Its interest demands that the routes shall be plentiful in number, and always open and operated for the benefit of the public. Public interest should not be jeopardized through consolidations. The public is entitled to efficient management on the part of railroad officials. The public should receive the closest and fullest cooperation, for it is the public that must pay the taxes. The public gives the railroads its money so that it can operate, pay dividends, and pay taxes on its investment. When the personnel of the carrier is reduced, the public suffers. If not in rates, it suffers in lack of efficient service. The public furnishes the pay roll for the carrier.

OWNERS OF RAILROADS

The interest of the owner should be considered by reason of the investment that he or it has in the railroad, and they are entitled to protection under the law in their investment.

THE GOVERNMENT

Congress constitutes the people's representative in the matter of regulation and control of railroads. A power which should not be abused or delegated to someone else who might abuse it. The people have a right to expect that Congress will discharge this duty so as to protect the public's interest and to deal fairly with the railroads that are now or may be hereafter operated.

The Sherman antitrust law was especially enacted to eliminate monopoly, to preserve actual competition and to keep alive the principle often referred to in the old saying, "Competition is the life of trade."

Consolidations have been going on for the past 10 years and the people have received no benefit through freight rates, passenger fares, or any benefit as a result of a consolidation.

The consolidation of railroads if carried out as now started and proposed, it will ultimately lead into Government ownership of railroads, which in our judgment should never be. Consolidation will eliminate competition, and when competition is destroyed the public is then left at the mercy of the carrier.

Prior to the creation of the Interstate Commerce Commission we had competition in freight and express rates, and the express, freight, and passenger fares were then much less than what they are now. Before the creation and orders of the Interstate Commerce Commission, roads paralleling each other could make whatever rate they felt was just and right and in competition with any other road. After the creation of the Interstate Commerce Commission, giving them the great power that is given them, they have fixed the rate to be charged on all interstate shipments of freight and express which penalizes any railroad or express company who might charge a higher or a lower rate than that fixed by the commission between two given points.

In many instances one road is required to haul its freight on a much longer haul than another, yet if it is interstate it can charge no more nor no less, regardless of the length of haul, than that fixed by the Interstate Commerce Commission.

This commission, now costing about $9,000,000 per year to maintain, is a fair sample of commission and bureaucratic government. I ask you the fair question: Is it worth the price?

No one could argue that there is any immediate necessity for any merger; then no reasonable or sane argument can be made against the Couzens resolution now before the House, which could be disposed of in a very few minutes if the House were permitted by the majority leaders to consider it.

HOW IT AFFECTS LABOR

The inevitable effect and result of consolidation and mergers of railroads will fall hardest upon the trained laborers who have for many years rendered hard and faithful service to these great railroads, many of them on very small pay, and through their efficient and faithful labor have built up these great corporations and the great line of roads, and they have an interest in this question that should not be overlooked by anyone who has a sense of fairness and justice about them.

When these consolidations are brought about, then at least one-third of these trained laborers will be left out in the cold with no employment. Many of these men have been in the service for a number of years and are now over the middle age of life and trained only for that class of work, and to turn them out of employment at that age with no training for any other vocation or avocation of life is absolutely unthinkable.

There are no two greater powers known to the intelligence of man in the business world than capital and labor, and each should treat the other fairly.

Capital invested in railroads as well as almost anything else, is soon lost and gone without efficient and skilled labor, and the consolidations and mergers of railroads might soon destroy their own efficiency and might in the end result in the loss of capital to the one having the investment in the railroads.

We have about 5,000,000 people in the United States who are unemployed and who want to labor to make an honest living for themselves and their families. They are not beggers, many of them are skilled men in their profession and want to work. A bill should be passed before the close of this session of Congress to take care of the unemployment situation in the United States, and this bill could be passed and would be passed in this session if we were permitted to consider it by the leaders of the Republican Party.

We plead with you to give us a chance to vote on these two measures and I think I can safely assure you that the Democratic Party in Congress will give you its almost solid support on these two measures if given a chance to do so before the adjournment of this Congress.

Will you do it?

BRIDGE ACROSS MISSOURI RIVER, MONT.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12919) granting the consent of Congress to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing.

The SPEAKER. The gentleman states that this is a matter of emergency?

Mr. LEAVITT. It is.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana or any political subdivisions or public agencies thereof, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation and southerly from the Fort Belknap Indiana Reservation, at or near the point known and designated as the Power-site Crossing, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 2, strike out the word "Indiana" and insert the word "Indian."

Page 2, line 4, after the word "Crossing," insert "in the State of Montana."

The committee amendments were agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 4, after the word "Crossing," insert the words "at or near the point known and designated as Wilder Ferry."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. OWEN for a few days on account of business.

ADDITIONAL JUDGES, NORTHERN DISTRICT OF ILLINOIS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 3614) to provide for the appointment of two additional district judges for the northern district of Illinois. I objected to this and I withdraw my objection.

Mr. LAGUARDIA. Reserving the right to object, is this going to bring out the matter of the proposed amendments?

Mr. SABATH. No; they will not be offered.

Mr. BUCKBEE. Mr. Speaker, I shall have to offer the amendments.

Mr. STAFFORD. Mr. Speaker, the gentleman from Illinois [Mr. BUCKBEE] states that he will have to insist on his amendments.

Mr. BACHMANN. Let the gentleman offer his amendment.

Mr. STAFFORD. I ask unanimous consent that the proceedings by which objection was made be vacated and the bill reinstated and passed over without prejudice. We spent 20 minutes on this bill before.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 397. An act for the relief of Ella H. Smith; to the Committee on Claims.

S. 1446. An act to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, U. S. C.), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on the Judiciary.

S. 4515. An act to commemorate the Battle of Helena, Ark.; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 320. An act for the relief of Haskins & Sells;

H. R. 328. An act for the relief of Parke, Davis & Co.;

H. R. 329. An act for the relief of Joseph A. McEvoy;

H. R. 471. An act for the relief of Luther W. Guerin;

H. R. 478. An act for the relief of Marijune Crou;

H. R. 524. An act for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;

H. R. 655. An act for the relief of Guy E. Tuttle;

H. R. 704. An act to grant relief to those States which brought State-owned property into the Federal service in 1917;

H. R. 910. An act for the relief of William H. Johns;

H. R. 1058. An act for the relief of Jesse A. Frost;

H. R. 1076. An act for the relief of Jacob S. Steloff;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1546. An act for the relief of Thomas Seltzer;

H. R. 1592. An act for the relief of William Meyer;

H. R. 1696. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 1712. An act for the relief of the heirs of Jacob Gussin;

H. R. 1717. An act for the relief of F. G. Baum;

H. R. 1724. An act for the relief of Margaret Lemley;

H. R. 1888. An act for the relief of Rose Lea Comstock;

H. R. 1964. An act for the relief of S. A. Jones;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2464. An act for the relief of Paul A. Hodapp;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 2645. An act for the relief of Homer Elmer Cox;

H. R. 2755. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

H. R. 2776. An act for the relief of Dr. Charles F. Dewitz;

H. R. 2849. An act for the relief of the Lowell Oakland Co.;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3072. An act for the relief of Peterson-Colwell (Inc.);

H. R. 3222. An act for the relief of the State of Vermont;

H. R. 3422. An act for the relief of Gustav J. Braun;

H. R. 3441. An act for the relief of Meta S. Wilkinson;

H. R. 3732. An act for the relief of Fernando Montilla;

H. R. 5113. An act for the relief of Sylvester J. Easlick;

H. R. 5459. An act for the relief of Topa Topa Ranch Co., Glencoe Ranch Co., Arthur J. Koenigstein, and H. Fukasawa;

H. R. 5526. An act for the relief of Fred S. Thompson;

H. R. 5872. An act for the relief of Ray Wilson;

H. R. 5962. An act for the relief of R. E. Marshall;

H. R. 6117. An act for the relief of the Central of Georgia Railway Co.;

H. R. 6209. An act for the relief of Dalton G. Miller;

H. R. 6210. An act to authorize an appropriation for the relief of Joseph K. Munhall;

H. R. 6243. An act for the relief of A. E. Bickley;

H. R. 6264. An act to authorize the Secretary of War to donate a bronze cannon to the town of Avon, Mass.;

H. R. 6268. An act for the relief of Thomas J. Parker;

H. R. 6340. An act to authorize an appropriation for construction at the Mountain Branch of the National Home for Disabled Volunteer Soldiers, Johnson City, Tenn.;

H. R. 6416. An act for the relief of Myrtle M. Hitzing;

H. R. 6537. An act for the relief of Prentice O'Rear;

H. R. 6627. An act for the relief of A. C. Elmore;

H. R. 6663. An act for the relief of J. N. Lewis;

H. R. 6665. An act for the relief of B. C. Glover;

H. R. 6825. An act to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail;

H. R. 6871. An act to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes;

H. R. 7013. An act for the relief of Howard Perry;

H. R. 7026. An act for the relief of Mrs. Fanor Flores and Pedro Flores;

H. R. 7027. An act for the relief of Paul Franz, torpedoman, third class, United States Navy;

H. R. 7068. An act for the relief of Fred Schwarz, jr.;

H. R. 7638. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 7664. An act to authorize payment of fees to M. L. Flow, United States commissioner, of Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment;

H. R. 7926. An act to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.;

H. R. 8347. An act for the relief of the Palmer Fish Co.;

H. R. 8393. An act to authorize the Court of Claims to correct an error in claim of Charles G. Mettler;

H. R. 8491. An act for the relief of Bryan Sparks and L. V. Hahn;

H. R. 9227. An act to establish additional salary grades for mechanics' helpers in the motor-vehicle service;

H. R. 9246. An act to reimburse Lieut. Col. Frank J. Killilea;

H. R. 9280. An act to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark, on State Highway No. 18;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 9990. An act for the rehabilitation of the Bitter Root Irrigation Project, Montana;

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a revolutionary hero, fell;

H. R. 10376. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H. R. 10381. An act to amend the World War veterans' act, 1924, as amended;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 10826. An act to provide for the renewal of passports;

H. R. 10919. An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes;

H. R. 11051. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

H. R. 11088. An act for the refund of money erroneously collected from Thomas Griffith, of Peach Creek, W. Va.;

H. R. 11145. An act to increase the authorization for an appropriation for the expenses of the sixth session of the Permanent International Association of Road Congresses to be held in the District of Columbia in October, 1930;

H. R. 11371. An act to provide living quarters, including heat, fuel, and light, for civilian officers and employees of the Government stationed in foreign countries;

H. R. 11405. An act to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes";

H. R. 11477. An act for the relief of Clifford J. Turner;

H. R. 11493. An act to reimburse Lieut. Col. Charles F. Sargent;

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the Government and the District of Columbia;

H. R. 12099. An act to apply the pension laws to the Coast Guard;

H. R. 12263. An act to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims;

H. R. 12586. An act granting an increase of pension to Josefa T. Philips;

H. R. 12663. An act granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River, in the State of Arkansas, near Fort Lynn;

H. R. 12842. An act to create an additional judge for the southern district of Florida;

H. J. Res. 322. An act authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia;

H. J. Res. 306. Joint resolution establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Massachusetts Bay Colony, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a bureau of narcotics, and for other purposes," approved June 14, 1930.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 968. An act for the relief of Anna Faceina;

S. 1252. An act for the relief of Christina Arbuckle;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California.

S. 2323. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 2370. An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia;

S. 2972. An act for the relief of Dewitt & Shobe;

S. 3038. An act for the relief of National Surety Co.;

S. 3472. An act for the relief of H. F. Frick and others;

S. 3726. An act for the relief of the owner of the American steam tug *Charles Runyon;*

S. 3845. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended March 4, 1915, June 26, 1918, and June 7, 1924;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota;*

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia;

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

S. 4517. An act to provide for the regulation of tolls over certain bridges;

S. 4577. An act to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; and

S. J. Res. 140. Joint resolution to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the U. S. submarine *S–4.*

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 478. An act for the relief of Marijune Cron;

H. R. 524. An act for the relief of I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland;

H. R. 910. An act for the relief of William H. Johns;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1964. An act for the relief of S. A. Jones;

H. R. 2075. An act for the relief of Addie Belle Smith;

H. R. 2465. An act for the relief of Earl D. Barkly;

H. R. 2849. An act for the relief of Lowell Oakland Co.;

H. R. 2983. An act for the relief of Samuel F. Tait;

H. R. 3422. An act for the relief of Gustav J. Braun;

H. R. 6117. An act for the relief of Central of Georgia Railway Co.;

H. R. 6665. An act for the relief of B. C. Glover;

H. R. 7661. An act for the relief of Margaret Stepp Bown;

H. R. 7926. An act to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.;

H. R. 9227. An act to establish additional salary grades for mechanics' helpers in the motor-vehicle service;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 10381. An act to amend the World War veterans' act, 1924, as amended;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 11051. An act to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," as approved April 30, 1900;

H. R. 11781. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11978. An act to authorize the appointment of employees in the executive branch of the Government and the District of Columbia; and

H. J. Res. 367. Joint resolution to amend the act entitled "An act to create in the Treasury Department a Bureau of Narcotics, and for other purposes," approved June 14, 1930.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned to meet to-morrow, Thursday, June 26, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, June 26, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON NAVAL AFFAIRS

(10 a. m.)

To authorize alterations and repairs to certain naval vessels (H. R. 13964 and 13965).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Prohibiting the purchase of German reparation bonds by national banks, Federal reserve banks, and member banks of the Federal reserve system (H. J. Res. 364).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

568. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Oconto River, Wis., covering navigation, flood control, power development, and irrigation; to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

569. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Big Chazy River, N. Y., covering navigation, flood control, power development, and irrigation; to the Committee on Rivers and Harbors and ordered to be printed.

570. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Peshtigo River, Wis., covering navigation, flood control, power development, and irrigation; to

the Committee on Rivers and Harbors and ordered to be printed with illustrations.

571. A letter from the Secretary of War, transmitting report from the Chief of Engineers on Saranac River, N. Y., covering navigation, flood control, power development, and irrigation; to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 10676. A bill to restrict the expeditious handling, transportation, and delivery of certain mail matter where local or contractual conditions are inadequate; with amendment (Rept. No. 2024). Referred to the Committee of the Whole House on the state of the Union.

Mr. SIMMONS: Committee on Appropriations. H. J. Res. 373. A joint resolution making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; without amendment (Rept. No. 2025). Referred to the Committee of the Whole House on the state of the Union.

Mr. SIMMONS: Committee on Appropriations. H. J. Res. 384. A joint resolution making appropriations available to carry into effect the provisions of the act of the Seventy-first Congress entitled "An act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia"; without amendment (Rept. No. 2026). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 271. A resolution to make in order motions to suspend the rules; without amendment (Rept. No. 2028). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13062) granting a pension to Ella I. Dewire; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1534) granting a pension to Rebecca H. Cook; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 13155) to enact a uniform pension law for disabilities incurred in war service and granting pensions and increase of pensions to certain soldiers, sailors, and marines who served the United States in time of war; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 13156) granting pensions to certain widows, minor children, and helpless children of certain soldiers, sailors, and marines of the World War; to the Committee on Pensions.

By Mr. DAVIS: A bill (H. R. 13157) relating to suits for infringement of patents where the patentee is violating the antitrust laws; to the Committee on Patents.

By Mr. HALE: A bill (H. R. 13158) for the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, and for other purposes; to the Committee on Naval Affairs.

By Mr. DICKINSON: Resolution (H. Res. 272) authorizing the appointment of a select committee to investigate stock-exchange manipulations, and for other purposes; to the Committee on Rules.

By Mr. SIROVICH: Joint resolution (H. J. Res. 386) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 13159) granting an increase of pension to Eliza A. Goodwin; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 13160) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Rosenberg Library, in the city of Galveston, Tex., the silver service presented to the United States for the cruiser *Galveston;* to the Committee on Naval Affairs.

By Mr. CRADDOCK: A bill (H. R. 13161) granting a pension to E. V. Ferrell; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 13162) granting a pension to Margaret A. Mishler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13163) granting a pension to Austin Denham; to the Committee on Pensions.

By Mr. HOFFMAN: A bill (H. R. 13164) granting an increase of pension to Adella E. Fackler; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 13165) granting a pension to Amelia Best; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13166) granting an increase of pension to Rosa A. Burnam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13167) granting a pension to Clarissa J. Whitmer; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 13168) for the relief of Samuel Le Roy Layton; to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 13169) for the relief of Sarah J. Rosa; to the Committee on Military Affairs.

By Mr. PITTENGER: A bill (H. R. 13170) for the relief of Pete Jelovac; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 13171) granting a pension to Clementine Layton; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 13172) for the relief of Harry E. Craven; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 13173) granting an increase of pension to Josephine Holloway; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7651. By Mr. CRAIL: Petition of International Narcotic Education Association of New York City, favoring an appropriation for American representation at the International Conference on Limitation of Manufacture of Narcotic Drugs at Geneva, December 1, the preliminary conference of manufacturing nations at London July 20, and at the preliminary conference of victim nations not yet called in the interests of America and mankind; to the Committee on Foreign Affairs.

7652. By Mr. O'CONNOR of New York: Resolution of the New York State Bankers' Association, in support of House bill 12490; to the Committee on Banking and Currency.

7653. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union, of Spencer, Iowa, urging Congress to enact a law for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

SENATE

THURSDAY, *June 26, 1930*

The Senate met at 11 o'clock a. m.

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

Almighty, Ever-Living God, blessed and only Potentate, King of kings and Lord of lords, to whom all things in heaven and on earth do bow, we praise Thy great name for the abundant blessings, temporal and spiritual, that Thou hast graciously vouchsafed to this people and Nation. And we beseech Thee, of Thy goodness, so to direct and dispose the minds and hearts of all in authority over us that by their enactment of righteous laws and by their true and impartial administration of the same, wickedness and vice may be swiftly punished and virtue and true religion fully maintained. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCNARY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. MCNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.